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Rachel Dombrowski, Clerk
Appellate Court of Maryland
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IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

Jeffrey Young *

Case No.: C-21-CV-20-000371

Plaintiff, *

v.

*

Justin Holder, *et al.*

*

Defendants.

* * * * * * * * * * * * *

RESPONSE TO MOTION TO COMPEL DOCUMENTS FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Maryland Department of Natural Resources ("MDNR"), a non-party, by its attorneys Brian E. Frosh, Attorney General of Maryland, and Talley H-S. Kovacs, Assistant Attorney General, hereby responds to the Motion to Compel – Documents – Maryland Department of Natural Resources filed by Defendant Justin Holder on February 10, 2022 ("Motion"). For the reasons set forth herein, the Motion should be denied.

STATEMENTS OF FACT

1. The pleadings filed in this case indicate a dispute between private property owners over title to real property near a former railroad bed owned by MDNR known as the Weverton to Roxbury rail property (the "Rail Property") and specifically related, *inter alia*, to ownership of a strip of land identified by Defendant Holder as a "wagon road." Mr. Holder has pursued significant third-party discovery through deposition testimony and records from MDNR related to its ownership and management of the Rail Property and MDNR has cooperated with Mr. Holder's discovery. The instant motion is evidence judicial intervention is warranted to reign in discovery to third parties such as MDNR at this point in this case.

2. On November 17, 2021, Mr. Holder served a Subpoena and Notice of Videotaped Oral Deposition *Duces Tecum* of Corporate Representative for MDNR (the "Subpoena"). **Exhibit**

1, **Subpoena**. The Subpoena included eighteen designated subject areas regarding which testimony was sought and a Schedule identifying seven categories of requested documents. *Id*. at 2-4, 10-11.

3. MDNR served written objections to the Subpoena along with a proposal narrowing the scope of the discovery request by letter dated December 8, 2021 sent by email to Mr. Holder. **Exhibit 2, Affidavit of Talley Kovacs, ¶2, 3 and Exhibit 3, MDNR's Written Objections**. MDNR objected on grounds that the Subpoena was unduly burdensome, overly broad in scope and unlimited in time, largely incoherent, and calculated not to seek relevant information. *Id.* MDNR further took the position that the Subpoena was intended to overwhelm MDNR staff with searching for communications and documents that do not relate to the claims or defenses in this case, but rather to issues pertinent to other cases and disputes to which Mr. Holder is a party. *Id.*

4. By email response on December 8, 2021, Mr. Holder asserted, "I believe you spent a considerable amount of time on this letter unnecessarily… We have a stipulation in the works, so to the extent the "revised" stipulations are ratified, I will de-escalate the CounterClaim in good faith and spirit of same. … In the meantime, I only need to discover an answer to "One Question" In this instant case: Is the DNR challenging the public/private use of the "Wagon Road" easement public/private/express/ prescriptive whatever it may be. Located precisely where it has been according to Val maps and Ariel photos?" **Exhibit 2** ¶4.

5. In correspondence exchanged in December of 2021 between counsel for MDNR and Mr. Holder, MDNR confirmed its understanding as to the narrowed scope of the Subpoena such that: (a) testimony of MDNR's corporate designee would be limited to the "One Question" identified in Mr. Holder's December 8, 2021 email; and (b) MDNR would not produce any documents under the Subpoena in reliance upon Mr. Holder's representations regarding a stipulation with the Plaintiff in the case. **Exhibit 2,** ¶5-6.

6. In advance of the deposition, MDNR did produce 58 pages of documents, which MDNR determined related to the "wagon road" to the best it could understand Mr. Holder's definition of that term as stated in his Subpoena. The documents included railroad valuation maps, surveys, emails, deeds, and boundary recovery maps. **Exhibit 2** ¶7.

7. On January 26, 2022, George Forlifer testified as MDNR's corporate designee at a virtual deposition that lasted approximately four hours.[1] **Exhibit 2** ¶7. Mr. Forlifer was competent to give testimony regarding the location and boundaries of the Rail Property and the "wagon road" and during the deposition answered questions related thereto, subject to objections made by counsel and placed on the record. **Exhibit 2** ¶7, 8. Mr. Holder conducted the deposition; neither the Plaintiff, nor any other party or any attorney for any party appeared for the deposition. **Exhibit 2** ¶9.

8. The documents that MDNR produced before the deposition—which Mr. Forlifer answered questions about during the deposition—relate to and depicted the Rail Property within the vicinity of the allegedly disputed "wagon road." **Exhibit 2** ¶7.

9. One week after the deposition, on February 3, 2022, Mr. Holder sent an email to MDNR's attorney in which he demanded MDNR produce more documents described in the Schedule to the Subpoena as:

> (1) Any correspondence, email, text, social media, letters; sent or received that relate to the "property dispute"/"neighbors"/"Abandoned Railroad"/"Wagon Road" or parties in this action; and

[1] Mr. Holder asserts that MDNR "did not appear" for deposition on January 14, 2022, the date unilaterally selected by Mr. Holder. **Exhibit 1** at 1. Prior to January 14, counsel for MDNR informed Mr. Holder that January 14 was not available because, among other reasons, counsel and her family had contracted COVID-19. Counsel suggested January 26-28, 2022 and Mr. Holder selected January 26, 2022 as an alternate date. **Exhibit 2** ¶10. The deposition proceeded on January 26, 2022.

> (2) Any reports, investigatory files, citations, fines, demand letters, notice of violation that relate to the ""property dispute"/"neighbors"/"Abandoned Railroad"/"Wagon Road" or parties in this action.

Exhibit 2 ¶11. Mr. Holder filed the Motion before counsel had an opportunity to respond to his February 3 email. *Id.* In the Motion, Mr. Holder seeks an order compelling production by MDNR of these same two categories of documents. Motion at 2, 7.

10. MDNR's letter of December 8, 2021, included written objections to these two document requests. *See* **Exhibit 3**, 10-11. The basis for MDNR's objections—as stated in the December 8 letter and which equally apply to the Motion—included:

a. That in the Subpoena, Mr. Holder framed the request for testimony and documents by 22 non-standard definitions, the majority of which contain assumptions, legal arguments and conclusion, and were so vague, ill-defined, and complex as to prevent a reasonable search for responsive documents. Related to the two document requests that are the subject of the Motion, the non-standard definitions included:

> i. "Property dispute" was defined as: "[R]efers to: On January 22nd, 2020 Benjamin Estes (Mr. Estes) filed action for Trespass in the Washington County District Court against Justin Holder (Mr. Holder) for civil Trespass. On June 8th, 2020 State of Maryland to the benefit of the Department of Natural Resources (DNR) charged *inter alia* with driving in a non designated area/illegal clearing/disturbing a rock on State Park Land in the Washington County District Court. On September 16th, 2020 Jeffrey Young (Mr. Young) filed a complaint for Declaratory Judgment of a recorded instrument and to Quiet Title pleading adverse possession in the Washington County Circuit Court against Mr. Holder and Deena Holder (Mrs. Holder). Mr. Young advertised the Quiet Title under RP § 14-615 and Uncle Eddies brokedown palace LLC (Uncle Eddie) answered as an interested party. On November 13th, 2020 Mr. Estes charged Mr. Holder in the District Court with 3 counts of criminal Trespass, Assault and Stalking. On November 16th, 2020 Mr. Estes files an action of Trespass, Private Nuisance, treble damages and aiding and abetting of same in the Washington County Circuit Court against Mr. Holder and Mrs. Holder; Amending the Complaint on March 17th, 2021 to include Quiet Title, and Ejectment in the Alternative, naming Uncle Eddie as a Defendant to the Complaint. On May 6th, 2021 Plaintiff Benjamin Estes in case C-21- CV-20-000430 Amended his Complaint to include DNR as Defendant, and in addition

Plead Adverse Possession of the Property in dispute. The Properties in dispute were allegedly surveyed and platted by Professional Land Surveyor Frederic Frederick of Frederick Siebert and Associates (Mr. Frederick). The Little Antietam Creek runs generally in a South to North direction through the lands claimed by Uncle Eddie, Mr. Estes and Mr. Young. The now abandoned Washington County Branch of the B & O Railroad (Abandoned Railroad) runs generally East to West through the Lands claimed by Mr. Estes, Mr. Young, Uncle Eddie, Mrs. Holder and Mr. Holder. Mr. Holder, Uncle Eddie, Mr. Estes, Mrs. Holder and DNR claim fee simple or easement rights in the Abandoned Railroad. Mrs. Holder and Uncle Eddie claim incorporeal rights of an easement known as the "Wagon Road" through the lands claimed by Mr. Young, Mr. Holder, DNR and other non-parties.Mr. 1 Young's property is primarily East of the Wagon Road and South of the Abandoned Railroad with the Little Antietam Creek bisecting his property. Uncle Eddie's Property is generally West of the Little Antietam Creek and North of the Abandoned Railroad. Mr. Estes property is generally East of the Little Antietam Creek and North of the Abandoned Railroad. Mr. Estes contends to own the Western bank of the Little Antietam Creek and Creek bed, Uncle Eddie avers it owns the West Bank and Creek bed. Mr. Estes appears to contend the Public has no rights to the waters of the Little Antietam Creek and Mr. Holder appears to contends the Public does have rights to the aforesaid waters. The DNR contends to have rights to the waters above the Creek bed that the DNR contends to own; but does not represent other agencies whom may assert rights in the waters such as Maryland Department of the Environment. The Non Parties in which Uncle Eddie and Mrs. Holder contend the Wagon Road burdens generally own property North of the Abandoned Railroad and west of the Wagon Road in a subdivision built out in 2017 and completed in 2019 named (Stonecrest). Mr. Holder has no record Stonecrest was surveyed by Mr. Frederick. The Stonecrest Plat 8292 et seq. recorded in Washington County Land records has a note at the bottom the plat was done without a title search and there may be other encumbrances than depicted on the plat. Mr. Holder contends that Mr. Frederick performed the Surveys of Mr. Estes, Mr. Young, and Uncle Eddie with no title research and did not locate the original stone monuments; setting new iron pins near fence lines. Mr. Young and Mr. Estes have plead *inter alia* claim to right by adverse possession. Mr. Holder Contends the epicenter of the dispute is in the vicinity of a Stone Monument (The Stone). Mr. Holder contends The Stone is generally located in the center of all the parties claimed properties at the Intersection of the Wagon Road, Abandoned Railroad and Little Antietam Creek."

ii. "Neighbors" was defined as: "[R]efers to Keedysville residents that live/own property in the general vicinity of the "Abandoned Railroad" in between Main St Keedysville, MD and DogStreet Road in Keedysville, MD; to include: Jeffrey Young, Deena Holder, Justin Holder, Uncle Eddies brokedown place LLC, Barry Levey, Donna Levey, David Leroy Ickes, Christine Morral, Dwayne Flook, Richard Bishop, Mathew Hull, Kenneth Lord, Judy Kerns, James Kerns, Charles Blanchato, Department of Natural Resources, Town of Keedysville, Chris Wetzel, Scott Morral, Austin Flook, Timothy Burtner, Margerie Moats,

Robert Moats, Benjamin Estes, Lisa Estes, Cheryl Young, Sarah Baker, Jessica Cochran, Rebecca Larson, Erin Ickes and the State of Maryland 'writ large."

iii. "Abandoned Railroad" was defined as: "[T]he Hagerstown to Weaverton/Washington County Branch of the B and O Railroad Abandoned by I.C.C. Docket AB 19 Sub 20, which was acquired by the Washington County Rail Road Company as a *quasi*-public company incorporated by Chapter 334 of the Acts of Assembly of 1864, which said company was granted, by the said Act limited right "to construct a road or roads from Hagerstown to any point on the line of the Baltimore and Ohio Railroad east of Harper's Ferry ... not exceeding sixty-six feet wide," and "after the purchase and condemnation thereof ... may enter upon and use and excavate any land that may be wanted for the site of the said railroad.""

iv. "Wagon Road" was defined as: "[T]he wagon road created by the Washington County Railroad Company as required by Chapter 334 of the Acts of Assembly of 1864; as aforesaid Act expressly states "ways, either public or private, it shall be the duty of the said President and Directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the lands of any individual it shall also be their duty to provide for such individuals proper wagon, ways across said road or roads, from one part of his lands to the other, and whenever any road or roads may hereafter be authorized to be made by the Legislature, when it may be necessary to cross said railroad, the company shall make or cause to be made a proper and convenient way for road to cross, the expenses of which shall be paid as the Legislature may direct."; and depicted on the J.B. Ferguson Atlas revised 1937 of the Public Roads of Washington County that hangs in the Land Records room of the Washington County Courthouse, and "Abandoned Railroad" Valuation Maps in the metes and bounds area of "MT Vernon AB RR"."

b. That MDNR should not be compelled to spend inordinate staff time and resources searching for documents based on these arbitrary, complex, and confusing definitions.

c. That the requests are overly broad, unduly burdensome, unlimited in time, and not related to seeking information directly relevant to the claims or defenses in the case.

d. That the requests are duplicative of documents previously produced by MDNR to Mr. Holder.

11. Mr. Holder argues that this court should compel MDNR to search for and produce more documents in this case because he alleges MDNR is party to a "Mary Carter Agreement"

with the Plaintiff. Motion at 3. He states: "[u]pon information and belief there was [a Mary Carter Agreement] made by Plaintiff, other 'interested parties,' and the Deponent DNR regarding parallel criminal prosecution of fines and enforcement of property rights in a criminal case that was later dismissed" and that the "remaining Defendants are entitled to discovery and to explore all of the communications document and agreements relating to those Mary Carter Agreements." *Id*. MDNR is not a party, thus precluding any litigation-type agreements, such as a Mary Carter Agreement, with any party to this case. Further, Mr. Holder points to no facts that might support even an inference of the existence of such an "agreement," nor does he identify how such an agreement, even if one existed, is relevant to the claims or defenses or the two document requests.

12. Additionally, prior to issuing the Subpoena in this case, Mr. Holder deposed, and subpoenaed records from, four MDNR employees: Mary Ironside, a MDNR Park Ranger, and three Natural Resources Police Officers, Cody Linton, Cody Chaney, and David Breakall. Moreover, Mr. Holder has already obtained discovery from MDNR in *Benjamin Estes v. Justin Holder, et al.*, Case No. C-21-CV-20-000430, a property boundary dispute between Mr. Holder, Deena Holder, and Uncle Eddie's Brokedown Palace, LLC and Benjamin Estes, a case in which MDNR was a party from May 2021 until January 2022.

DISCUSSION AND ARGUMENT

13. Under Rule 2-402(a), a party is permitted discovery only "if the matter sought is relevant to the subject matter involved in the action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party." A person subjected to discovery can be protected therefrom in order to prevent "annoyance, embarrassment, oppression, or undue burden or expense[.]" Rule 2-403(a).

14. MDNR has complied with the Subpoena by providing testimony on the "wagon road" which Mr. Forlifer testified to for four hours on January 26, 2022, and related documents.

15. Mr. Holder's other document requests are oppressive and unduly burdensome inasmuch as they are hopelessly vague and ill-defined. The requests point to terms—"property dispute," "neighbors," "Abandoned Railroad," and "Wagon Road"—that are described in ways that leave MDNR in a unresolvable and endless search for clarity, thereby making it impractical if not impossible for MDNR to identify potentially responsive records related to the case's claims or defense.

16. Mr. Holder provides in the Motion no clarity—despite MDNR's objection regarding the duplicative nature of his requests—as to how, if at all, the documents requested are in addition to or differ in any way from those: (a) requested from and produced by MDNR in response to the four prior subpoenas issued in this case; (b) already produced by MDNR in response to the Subpoena; or (c) produced by MDNR in *Benjamin Estes v. Justin Holder, et al.*, Case No. C-21-CV-20-000430. Notably, Mr. Holder seeks documents related to "citations" in apparent reference to the Rail Property, which was the subject matter of the four prior MDNR depositions and document productions.

17. Further confusing matters, Mr. Holder points without any basis in fact to the existence of a phantom "Mary Carter Agreement" for purposes of demonstrating the relevancy of his document requests. There is no evidence that any such agreement exists and, regardless, its relevance to the claims or defenses is not in any way articulated by Mr. Holder.

WHEREFORE, for these reasons, the MDNR requests that the Court:

1. Deny the Motion; or, in the alterative,

2. Instruct Mr. Holder to submit for the Court's review and approval a request to MDNR for documents that is clearly defined and narrowly tailored to lead only to production of documents from MDNR that are: (a) related to the claims or defenses in the case; (b) not previously produced by MDNR or its employees; and (c) in conformance with standard definitions provided under the Maryland Rules.

A Proposed Order is filed with this Motion.

Dated: February 24, 2022

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/ Talley H-S. Kovacs
TALLEY H-S. KOVACS
CPF No. 0912160140
Assistant Attorney General
Office of the Attorney General
Maryland Department of Natural Resources
580 Taylor Avenue, Suite C-4
Annapolis, Maryland 21401
Office: (410) 260-8351
Fax: (410) 260-8364
Talley.Kovacs@maryland.gov
Attorneys for Defendant, Department of Natural Resources, State of Maryland

CERTIFICATE OF COMPLIANCE WITH RULE 1-322.1 AND RULE 20-201

I CERTIFY, that in accordance with Maryland Rule 1-322.1, this submission does not contain any personal identifier information, and, in accordance with Maryland Rule 20-201, this submission does not contain any restricted information.

/s/ Talley H-S. Kovacs
TALLEY H-S. KOVACS
CPF No. 0912160140

CERTIFICATE OF ELECTRONIC SERVICE BY MDEC

I CERTIFY pursuant to Rule 20-201(g) and Rule 20-205 that on the 24th day of February 2022, a copy of the foregoing Response was filed and submitted for service by the MDEC system on the parties.

/s/ Talley H-S. Kovacs
TALLEY H-S. KOVACS
CPF No. 0912160140

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, *et al.*** **Defendants**	**Case No. C-21-CV-20-000371**

Certification of Custodian of Records or Other Qualified Individual

I, SGT ANGELA SHIRLEY, do hereby certify that:

(1) I am the Custodian of Records of or am otherwise qualified to administer the records for the Natural Resources Police of the Maryland Department of Natural Resources, and

(2) The attached records provided pursuant to the order entered in this case by the Circuit Court for Washington County, Maryland on March 10, 2022:

(a) are true and correct copies of records that were made at or near the time of the occurrence of the matters set forth by, or from the information transmitted by, a person with knowledge of these matters; and
(b) were kept in the course of regularly conducted activity; and
(c) were made and kept by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Signature and Title: ARS
Signature

SGT ANGELA SHIRLEY
Printed Name

RECORDS SUPERVISOR
Title

Date: 03/16/2022

MARYLAND NATURAL RESOURCES COMPLAINT AND CITATION

Corporation:
Name: **JUSTIN KYLE HOLDER**
Address: **308 W CHAPLINE ST**
City: **SHARPSBURG** State: **MD** Zip: **21782**
Height: **601** Weight: **202** Race: **2** Sex: **M** DOB: **7/5/1977**
License Number: **H436454485534** State: **MD** Class: **CM**
NR ID Number: **No NR ID**
Violation Date: **6/8/2020** Time: **09:49** Veh/Boat Reg: **NONE** State: **XX**
Year: Make: **NONE** Model: **NONE** Color: **N/A**
Location: **WEVERTON ROXBURY RAIL TRL @ ANTIETAM DR.**
County: **WASHINGTON - 21** **MD** Loc Code: **NR**

DID UNLAWFULLY VIOLATE:

CITATION NO.	ART/SEC/CHARGE	PAYABLE FINE AMOUNT
1. **NR00F0M0T**	**MR - 08-07.06.13(B1)** DISTURB A PLANT, ROCK, MINERAL	**$55**
2. **NR00G0M0T**	**MR - 08-07.06.13(B2)** DESTROY A TREE	**$450**
3. **NR00H0M0T**	**MR - 08-07.06.14(D1)** DRIVING IN A NON-DESIGNATED AREA	**$270**
4. **NR00J0M0T**	**MR - 08-07.06.24(B)** PRIVATE CLEARING ON STATE PARK LANDS	**$450**

YOU WILL RECEIVE OFFICIAL NOTICE IN THE MAIL OF THE COURT LOCATION, DATE AND TIME.

I SOLEMNLY AFFIRM UNDER THE PENALTY OF PERJURY THAT THE CONTENT OF THE FOREGOING DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND I PERSONALLY SERVED THIS SUMMONS ON THE DEFENDANT NAMED ABOVE.

☑ VISUAL COMPARISON WAS MADE BETWEEN DEFENDANT AND THEIR ID/LICENSE.

OFFICER SIGNATURE Officer Signature

DISTRICT 11 NO 02 AGENCY NRP SUB-AGENCY 1002 ID NO. 1586

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS SUMMONS. I UNDERSTAND THAT ACCEPTANCE OF THIS SUMMONS IS NOT AN ADMISSION OF GUILT.

ISSUED ELECTRONICALLY -- SIGNATURE NOT REQUIRED

A warrant will be issued for the arrest of any defendant who has failed to appear for trial or who has failed to pay their fine on or before the date set for trial. In this case, there is an additional fine of $100. You may post the original fine and the $100 fine for failing to appear to request a new trial date. The Department of of Natural Recources may immediately suspend your license and may deny any new license until you appear in court to answer the charge(s).

If you are deemed guilty of the offense charged on this citation, either by prepaying the fine or through a court judgment and/or fine, the Department of Natural Resources may take civil administrative enforcement action to suspend or revoke your fishing or hunting privileges or seek restitution through a separate proceeding before the Office of Administrative Hearings. Maryland is a member of the Interstate Wildlife Violator Compact, therefore, a suspension or revocation of your fishing or hunting privileges may also affect/impact your privileges in other member states.

NR-ECITATION (Rev. 10/2017)

NOTICE TO THE DEFENDANT

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
   - A. explaining the charges in this paper;
   - B. telling you the possible penalties;
   - C. explaining any potential collateral consequences of a conviction, including immigration consequences;
   - D. helping you at trial;
   - E. helping you protect your constitutional rights; and
   - F. helping you get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

Any reasonable accomodation for persons with disabilities should be requested by contacting the court prior to trial. Hearing/speech impaired callers only, call Maryland RELAY: 711

If your name or address is not correct, you must notify the Court in writing of any changes. Include your citation number.

If your citation/violation is marked "You Must Appear", this is a summons to appear. You must appear as directed on the citation, or when notified by the Court.

If you have been charged with an offense with a prepayable fine, you may stand trial to contest your guilt on the date shown on this citation or when notified by the Court.

If you wish to plead guilty, without a hearing by paying the fine:

1. Bring the citation to the District Court designated below and pay the prepayable fine amount; or
2. Sign the statement below and mail the statement with a check or money order for the prepayable fine(s) to the District Court designated below.

Make checks payable to "District Court of Maryland". An additional $10 service fee will be imposed for each dishonored check.

NOTE: Payment of the fine is considered an admission of guilt.

CITATION PAYMENT OPTION FORM

Return To:
District Court of MD
36 W. Antietam Street
Hagerstown, MD 21740-5524

NAME: JUSTIN KYLE HOLDER DISTRICT/NO 11/02
☐ Check if change from address on citation.
ADDRESS
City, State, Zip Telephone No.

NR00F0M0T		MR - 08-07.06.13(B1) | PAY FINE AMOUNT $55
NR00G0M0T		MR - 08-07.06.13(B2) | PAY FINE AMOUNT $450
NR00H0M0T		MR - 08-07.06.14(D1) | PAY FINE AMOUNT $270
NR00J0M0T		MR - 08-07.06.24(B) | PAY FINE AMOUNT $450

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the Defendant, named above, do hereby enter my appearance on the complaint of the offense(s) charged. I am aware I have the right to a hearing by the Court; the right to stand trial; to have counsel of my choice (or have counsel appointed for me if I cannot afford counsel); that my signature to this plea of guilty will have the same force and effect as a judgment of the Court; and that this record will be sent to the Department of Natural Resources of this State. I do hereby plead guilty to said offense(s) as charged and waive my right to counsel and to a hearing by the Court.

DATE DEFENDANT'S SIGNATURE

1505

E 1505

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	Case No.: C-21-CV-20-000371
	*	
JUSTIN HOLDER, et. al	*	
Defendant	*	

* * * * * * * * * * * * *

DEPONENT RICHARD BISHOP'S (TOWN OF KEEDYSVILLE) RESPONSE TO DEFENDANT JUSTIN HOLDER'S MOTION TO COMPEL

Now comes Richard Bishop/Town of Keedysville by and through their attorney, Edward L. Kuczynski, Kuczynski & Kuczynski, P.A. and requests that Defendant Justin Holder's *Motion to Compel be Denied* and for reasons states as follows:

1. That Defendant Justin Holder served on Richard Bishop (former Town Manager) and the Town of Keedysville a *Notice of Deposition and Subpoena Duces Tecum* in the above-captioned case which was scheduled and held on September 14, 2021 in the offices of the undersigned. (The Notice of Deposition and Schedule of Documents are attached hereto as Exhibit "A").
2. That on September 14, 2021 Richard Bishop, the former Town Manager, appeared on behalf of the Town of Keedysville as specified in the Notice of Deposition *Duces Tecum* and related Subpoena served by Defendant on Mr. Bishop and the Town.
3. That Richard Bishop brought to the Deposition, to the best of his knowledge and information, the documents requested by Defendant.

4. That neither the Town of Keedysville nor Richard Bishop are parties in the above-captioned case.
5. That at the commencement of the Deposition, pages 4 through 10, Mr. Holder questioned Mr. Bishop regarding the documents that he requested. (Deposition pages 1-10 are attached hereto as Exhibit "B").
6. That Defendant's Motion to Compel seems to revolve around Numbers 1 and 10 of the Schedule of Documents although may also include 3 and 4.
7. That Richard Bishop when questioned regarding Numbers 1, 3 and 4 responded that he (the Town) did not have any documents as requested. No follow-up questions were asked nor clarification requested by Defendant.
8. That Richard Bishop when questioned regarding Number 10 responded that he had found and brought to the deposition 30-60 pages of documents that were responsive to Number 10.
9. That Mr. Bishop brought the subpoenaed documents in a small "banker's box". Defendant did not review or examine the contents of the box during the Deposition. However, upon agreement of the parties, the box was provided to the Court Reporter, Jackie Smith, who reproduced all of the documents and provided flash drives to the Defendant and the undersigned following the Deposition. The box of documents was returned to the Town of Keedysville.
10. That on September 16, 2021 Defendant sent the undersigned an email relating to documents that he believed were not produced pursuant to the Subpoena. (Exhibit "C" attached hereto).

11. That your undersigned, in consultation with the Mr. Bishop and the current Town Manager, Lisa Riner, attempted to address Mr. Holder's concerns.
12. That one issue revolved around a Sewer Easement that Mr. Holder had questioned Mr. Bishop about that in fact had been granted by the Town to Washington County. Mr. Bishop at the time of the Deposition did not recall same. The undersigned, in Exhibit D, dated September 28, 2021, 4:04 p.m. clarified the matter as set forth in said email.
13. That Mr. Holder responded on September 28, 2021, "That concludes the relevant matters to the Young suit." (Exhibit "E").
14. That based upon that email, your undersigned responded that "based upon your statement that relevant matters of the Young suit are concluded, I am assuming that a response to your September 16, 2021 (1:42) email to me will not be necessary.". (Top portion of Exhibit "E").
15. That Mr. Holder in Exhibit "F" reiterated his request relating to the Documents identified in 1, 3 and 4 of his Schedule of Documents.
16. That Exhibit "F" attached hereto, dated September 29, 2021, was sent by the undersigned to Justin Holder. This email contains a comprehensive response regarding the Defendant's perceived failures on the part of the Town to produce the Documents as described in 1, 3 and 4 as well as other matters relating to emails involving Richard (Rich) Eichelberger and other matters tangentially related to the Deposition.
17. That Exhibit "F" clearly sets forth that the Defendant in his Schedule of Documents, items 1, 3, and 4, requested documents that could not and do not exist as described because those requests are qualified as relating to **easements that are located to the East of your property and South of your property.** As explained in that email, the

Town does not own any property as described by Defendant. By definition and as described by Defendant in his Schedule, no documents which Defendant indicated that he was seeking from the Town exist or ever existed.

18. That except in connection with the Sewer Easement with the County and Mr. Eichelberger's emails aforementioned did the Town of Keedysville, Mr. Bishop and/or your undersigned agree to provide documents that were not requested by Defendant. Mr. Bishop's answers to Mr. Holder's questions, pages 1-10, clearly indicated the non-existence of the documents which Mr. Holder requested be produced. As a footnote, the Defendant since April of 2020 has sent the Town of Keedysville in excess of seventy (70) Maryland Public Information Requests, and the Town has, to the best of its ability and within the parameters of MPIA, provided Defendant with the information he has requested. Many of those requests revolved around emails and correspondence involving "residents of Stonecrest Development" which would explain any statement that Mr. Holder has already been provided with all non-privileged communications relating to the above-captioned matter as well as other cases currently pending brought by and/or against Justin Holder.

19. That the current Town Manager, upon request of the undersigned as requested by Mr. Holder, double-checked for information regarding emails to and from Rich Eichelberger which were freely provided to Mr. Holder. The initial emails which were not clearly requested by Defendant in his Schedule of Documents, or believed by Mr. Bishop to be produced at the Deposition, were later provided to Defendant as well as a response that nothing additional could be located. (Exhibit "G").

20. That in the context of the Subpoena *Duces Tecum* prepared by the Defendant and served in connection with the September 14, 2021 Deposition, the Town and Mr. Bishop have complied therewith and, in some regards, gone beyond what is required by *the Maryland Rules of Procedure.*
21. That neither Mr. Bishop nor the Town can be compelled to produce documents that do not exist and/or meet the unidentifiable description provided by Defendant in his Schedule of Documents.
22. That despite the Town's efforts to explain same to Mr. Holder, he has continued to press for that which does not exist and now has filed a completely baseless Motion to Compel.
23. That Defendant has no supportable basis for the *Motion to Compel* which he has filed.

WHEREFORE, The Town of Keedysville and Richard Bishop request this Honorable Court to deny *Defendant Justin Holder's Motion to Compel – Documents – Town of Keedysville*

Respectfully submitted,

Edward L. Kuczynski, #0825
CPF # 8205010177
Attorney for Town of Keedysville/Richard Bishop
55 North Jonathan Street
Hagerstown, Maryland 21740
Telephone: (301) 797-9120
Facsimile: (301) 797-4317
Email: Ed.kuczlaw@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2022 a copy of the foregoing **DEPONENT RICHARD BISHOP'S (TOWN OF KEEDYSVILLE) RESPONSE TO DEFENDANT JUSTIN HOLDER'S MOTION TO COMPEL** was served via MDEC to:

Justin K. Holder, *Pro Se*

Roland David Pembroke, Esq.

Brandy Peeples, Esq.

Robert Kline, Esq.

Peter Rogers, Esq.

BY:

Edward L. Kuczynski

Plead.Response.Motion.to.Compel.01.26.2022

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, *et al.*** **Defendants**	**Case No. C-21-CV-20-000371**

NOTICE OF DEPOSITION *DUCES TECUM* OF THE TOWN OF KEEDYSVILLE

The Defendant, in proper person, pursuant to the Maryland Rules of Civil Procedure and for purposes of discovery and preparation for the trial of this matter, will take the deposition *duces tecum* of the following deponent, on the date, time and place listed

below, before a person duly qualified to administer an oath:

Deponent: Date: Time: Place:

The Town of Keedysville, Town Administrator Richard Bishop in his personal and professional capacity

September 14th, 2021

10:00 a.m.

308 W. Chapline Street, Sharpsburg, Maryland 21782

Respectfully submitted,

Justin Holder, Pro Se
308 West Chapline St.
Sharpsburg, MD 21782
jholder2004@gmail.com
(240) 356 - 2008

Certificate of Service

I hereby certify that on this 22nd day of July, 2021, the foregoing Certificate Regarding discovery was filed via MDEC and thus served electronically upon all counsel of record, and the foregoing paper Subpoena *Duces Tecum* to The Town of Keedysville, Town Administrator Richard Bishop in his personal and professional capacity, 1 and Certificate Regarding Discovery was sent via Electronic Mail, including:

Roland David Pembroke, Esq.,
Robert Kline, Esq.,
Matt Ruble, Esq.,
Justin Holder, Pro Se.

Justin K. Holder, Pro Se

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG

Plaintiff

v.

JUSTIN HOLDER, *et al.*

Defendants

Case No. C-21-CV-20-000371

SCHEDULE OF DOCUMENTS

1. All email correspondence: in which Justin or Deena Holder; or the existence/ abandonment/use/non-use/maintenance; of any easements that are located to the East of your property and South of your property are discussed; sent to the Washington County Sheriff, the States Attorney, The Maryland Department of Environment, The State Highway Administration, Department of Natural Resources, The Enviromental Protection Agency, The Internal Revenue Service, Benjamin Estes, Jeffrey Young, Mathew Hull, Mathew Powell, Cheryl Young, Sarah Baker, David Leroy Ickes, other residents of Stonecrest Circle.

2. All Title Reports, Surveys, and title insurance correspondence you have received in the past 2 years.

3. All text/sms/instant messenger/Facebook messenger/instagram/whatsapp/snapchat/other social media messaging correspondence: in which Justin or Deena Holder; or the existence/abandonment/use/non-use/maintenance; of any easements that are located to the East of your property and South of your property are discussed; sent to the Washington County Sheriff, the States Attorney, The Maryland Department of Environment, The State Highway Administration, Department of Natural Resources, The Enviromental Protection Agency, The Internal Revenue Service, Benjamin Estes, Jeffrey Young, Mathew Hull, Mathew Powell, Cheryl Young, Sarah Baker, David Leroy Ickes, other residents of Stonecrest Circle.

4. All phone records of correspondence: in which Justin or Deena Holder; or the existence/ abandonment/use/non-use/maintenance; of any easements that are located to the East of your property and South of your property are discussed; sent to the Washington County Sheriff, the States Attorney, The Maryland Department of Environment, The State Highway Administration, Department of Natural Resources, The Enviromental Protection Agency, The Internal Revenue Service, Benjamin Estes, Jeffrey Young, Mathew Hull, Mathew Powell, Cheryl Young, Sarah Baker, David Leroy Ickes, other residents of Stonecrest Circle. All photographs, video's and media which contain Justin or Deena Holder's image, oral communications, or family members in the content of aforesaid photographs, video's and media.

5. All physical or electronically stored tangible evidence of abandonment or adverse possession of the "wagon road" right of way that is the subject of this lawsuit as described in complaint.

6. All title reports in the possession of the Town or its agents that relate to the "wagon road" easement that is the subject of this litigation. Include reports such as the title report conducted by Antietam Title and completed on or before June15th, 2020.

7. All Municipal Road Inventory reports sent to the State Roads Commission, State Highway Administration, and records of Federal Highway User tax received.

8. All Town Minutes in which, reports, correspondence, and records which pertain to "Harries Lane" or "Harris Lane" as described in the town minutes in 1961 and the included Herald Mail Newspaper article dated 04/10/1961 included in the Town Minutes.

9. All Town Ordinance on the width and maintenance requirements of Municipal streets and alleys.

10. All correspondence with other Governmental agencies, Local Municipalities, and political subdivisions which relate to easements necessary to install utilities to 25 and 28 Antietam Drive in Keedysville, MD, 21756.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, *et al.*** **Defendants**	**Case No. C-21-CV-20-000371**

CERTIFICATE OF RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY

Pursuant to Maryland Rule 5-902, the undersigned **Custodian of Records** hereby certifies, as to all of the attached records, that:

1. The records were created at or near the time of the occurrence of the matters set forth by (or from information transmitted by) a person with knowledge of those matters;

2. The records were made and kept in the course of regularly conducted business activity;

3. It is the regular practice of this business to keep the records as these were kept; and

4. There are no circumstances that would otherwise indicate that the records lack trustworthiness as

they were properly kept and maintained in accordance with the regular procedures of this business.

CERTIFICATION

I do solemnly declare and affirm, under the penalties of perjury, that the matters set forth above are true to the best of my knowledge, information and belief.

_____ Signature

_____ Printed Name

_____ Capacity/Position/Job Title

_____ Name of Business or Agency

_____Number of Pages/Documents Produced

_____ Date

JEFFREY YOUNG	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
JUSTIN HOLDER, et al.	*	WASHINGTON COUNTY
Defendants	*	Case No.: C-21-CV-20-000371

* * * * * * * * * * * * * *

OBJECTION AND MOTION TO QUASH SUBPOENA

Non-party, the BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY (the "County"), by, KARPINSKI, CORNBROOKS & KARP, P.A. and KEVIN KARPINSKI, its attorneys, files this Objection to Defendant/Counter-Plaintiff Justin Holder's Subpoena *duces tecum* (commanding the corporate designee of the County to appear for deposition on February 28, 2022 and produce a litany of documents), a copy of which is attached hereto as Exhibit A, and respectfully requests this Court issue an Order quashing Mr. Holder's subpoena. For good cause, the County states:

1. Plaintiff, Mr. Holder, issued a subpoena *duces tecum* to non-party, the County, a copy of which is attached hereto as Exhibit A. The subpoena requests that the County produce a designee who could provide testimony about eighteen broad and ambiguous categories of information. *See generally* Ex. A.

2. On the first page of the subpoena, it indicates that "[y]ou are advised that you must designate one or more officers, directors, managing agents, or other person who will testify on your behalf regarding the matters listed in 'Schedule A – Schedule of Documents' which are known or reasonably available to W[.]" See Ex. A (emphasis in original). Without more, the scope of Mr. Holder's

subpoena to the County is inherently uncertain. Overall, Mr. Holder's subpoena is unduly broad and compliance would be unduly burdensome on the County. The categories of information that the County's designee must be knowledgeable about are wide-ranging and seemingly, no one County official or employee would be in a position where he or she is capable of testifying about all such matters. The categories of information about which the County's designee must be knowledgeable contain no temporal limitations. Therefore, the County's designee would be required to be knowledgeable about any communications to numerous individuals and entities, without limitation. To this extent, compliance with Mr. Holder's subpoena would be unduly broad and burdensome upon the County.

3. In addition, several of said categories are incoherent, rendering the scope of knowledge that the County's corporate designee must have unclear. For example, Paragraph 12 of the subpoena is incoherent. It requests that the County's designee be capable of testifying regarding the following:

> All Communications between Charles Fawley and Deputy States Attorney Joseph Michael or/all communications between any DNR employee and the Washington County States Attorneys Office; as they relate to the possession and use of the 'abandoned railroad' in Keedysville, MD **by Parties in this case.**

Ex. A at ¶ 12 (emphasis added). Based on the emphasized language, this would require the County's designee to be knowledgeable of communications between Maryland Department of Natural Resources and the parties to the instant litigation. A County designee would not be in a position to testify about such external communications. Moreover, under this Paragraph, Plaintiff requests that the County's designee be knowledgeable regarding communications by the

Washington County's State's Attorney's Office. The State's Attorney's Office is a State entity and not an entity of the County. Therefore, the County is not the appropriate entity to respond to this request.

4. Additionally, Mr. Holder requests the County's designee be knowledgeable of information that the County would not maintain. By way of example, Mr. Holder seeks "[a]ll [t]itle [r]esearch done for abutting Railroad owners in the vicinity of the 'property dispute.'" Ex. A at ¶ 13. The County's designee would not be able to testify as to any title survey conducted regarding private properties, nor is it clear specifically which properties Mr. Holder is referring to in said paragraph.

5. In the alternative, due to the exceedingly broad scope of the information that the County designee would be required to be knowledgeable of, including facts related to the instant litigation—to which the County is not a party—it is unlikely that County employees would maintain adequate knowledge to testify in response to the subpoena. If any such designee could be identified, such testimony would undoubtedly have to come from high-ranking official within the County.

6. In Maryland, "a deposition of a high-ranking official in litigation not specifically directed at his alleged misconduct will only be permitted if (1) extraordinary circumstances are shown; or (2) the official is personally involved in a material way." Johnson v. Clark, 199 Md. App. 305, 323, 21 A.3d 199, 210 (2011) (citations omitted). As the Johnson Court held, "[t]he burden is on the party seeking the deposition of the high-ranking official to demonstrate the

existence of the foregoing [extraordinary circumstances or personal involvement in a material way]." Id. Mr. Holder has not made any demonstration that the County, including any high-ranking official—the only individuals potentially capable of responding to Mr. Holder's subpoena due to its incredibly broad nature—is personally involved in the factual matters underlying this litigation or that extraordinary circumstances exist, under which it would be appropriate to have a high-ranking County official testify at the requested deposition.

7. Additionally, the County further objects to documents requested by Mr. Holder in his subpoena as overbroad and unduly burdensome. In the subpoena, Mr. Holder requests seven categories of documents, none of which are temporally limited. Without any temporal limitation on the documents requested, Mr. Holder's subpoena would require the County to produce said documents and communications generated since the County's inception. This is especially true where Mr. Holder requests that the County's designee have knowledge regarding a 1936 atlas. See Ex. A. at ¶ 17. Based on the above, responding to Mr. Holder's subpoena would unduly burden the County based on its overly broad nature.

8. Under Maryland Rule 2-510(h), a party issuing a subpoena is under an affirmative duty to "take reasonable steps to avoid imposing undue burden or cost on a person subject to the subpoena." Clearly, Mr. Holder has failed to take such reasonable steps, given the broad and ambiguous nature of the information he would like to have the County's designee testify about and the exceedingly broad—unlimited in temporal scope—requests that the County produce records.

In addition, based on the broad nature of the subpoena, compliance by the County would likely generate substantial costs. The County should not be responsible for said costs, and Mr. Holder has taken no reasonable steps to avoid the County incurring such costs.

9. Moreover, Mr. Holder has previously submitted requests made under the Maryland Public Information Act, regarding some of the documents he requested pursuant to his subpoena, including "[a]ll . . . correspondence related to expert communications and [a]ffidavits related to the instant case." Further, Mr. Holder brought a declaratory judgment suit, which concerns or is related to the "property dispute" referenced in this matter and to which the County is a party. See Holder v. Morral, Case No.: C-21-CV-21-000420. To that extent, Mr. Holder could attempt to acquire this information from the County in that litigation through discovery, rather than by a subpoena *duces tecum* in the instant litigation.

WHEREFORE, based on the foregoing, the County requests that this Court sustain its objections to Mr. Holder's subpoena and quash Mr. Holder's subpoena.

Respectfully Submitted,

KARPINSKI, CORNBROOKS & KARP, P.A.

By: /s/ Kevin Karpinski

KEVIN KARPINSKI
AIS #9312150114
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202–1617
410-727-5000

kevin@bkcklaw.com
Counsel for Washington County Board of County Commissioners

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February 2022, a copy of the foregoing was electronically filed, with notice to:

Justin Holder
308 West Chaplin Street
Sharpsburg, Maryland 21782
Pro se Plaintiff

Brandy Ann Peeples, Esquire
47 East All Saints Street
Frederick, Maryland 21701
Counsel for Deena Holder

Robert Lorenzo Kline, III, Esquire
Kline Law Group LLC
73 North Main Street
Port Deposit, Maryland 21904
Counsel for Uncle Eddies Brokedown Palace, LLC

Leslie A. Powell, Esquire
Powell, LLC
19 North Court Street
Suite 201
Frederick, Maryland 21701
Counsel for Olde Towne Title, Inc.

Roland David Pembroke, Esquire
21 Summit Avenue
First Floor
Hagerstown, Maryland 21740
Counsel for Jeffrey Young

Peter Daniel Rogers, Esquire
2024 Fleet Street
Baltimore, Maryland 21231
Counsel for Christine & Scott Morral

and sent by first class mail, postage prepaid to:

Carissa Meyers
110 Stonecrest Circle
Keedysville, Maryland 21756

/s/ Kevin Karpinski
Counsel for Washington County Board of
County Commissioners

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, *et al.*** **Defendants**	**Case No. C-21-CV-20-000371**

NOTICE OF VIDEOTAPED ORAL DEPOSITION *DUCES TECUM* OF CORPORATE REPRESENTATIVE FOR WASHINGTON COUNTY, MARYLAND

You are hereby notified that Defendant, Justin Holder, in proper person, pursuant to the Maryland Rules of Procedure § 2-412 and § 2-416, will take the deposition upon oral examination, for use in discovery and at trial, of the following persons on the date and at the time indicated below before a person duly authorized to administer an oath under Maryland law to be recorded stenographically/audio/videotape.

The deposition will be recorded via stenographic, audio, and/or videotaped means for the purpose of discovery and/or used as evidence and/or any other purposes permitted by the Maryland Rules of Civil Procedure, including use at trial, and will continue day to day until completed. Non - Party **WASHINGTON COUNTY, MARYLAND**

shall produce a corporate representative(s) with the knowledge and ability to testify regarding the topics described in the attached "Schedule A - Schedule of Documents."

In addition, the Deponent shall bring to the deposition the documents/things listed in the "Schedule A - Schedule of Documents." You are advised that you must designate one or more officers, directors, managing agents, or other persons who will testify on your behalf regarding the matters listed in "Schedule A - Schedule of Documents" which are known or reasonably available to **W**

Exhibit A

Deponent: Date: Time: Place:

Corporate Representative - **WASHINGTON COUNTY, MARYLAND**

February, 28th, 2022

9:00 a.m.

Topic: C-21-CV-20-000371 - Deposition of Washington County - Maryland

https://us02web.zoom.us/j/87297685310?pwd=NlIxTlJZUnFWVGZKeTBDTXBSbC9Ndz09

Meeting ID: 872 9768 5310

Passcode: 858017

One tap mobile

+13017158592,,87297685310#,,,,*858017# US (Washington DC)

Said deposition shall be for the purpose of discovery and/or use as evidence at the trial of this matter, and will be taken before an officer authorized to administer oaths. If, for any reason, the taking of the deposition has not commenced on the day listed above, or if commenced but not concluded on that day, the taking of the deposition will be continued from day to day at the same time and place until the same shall be completed.

Pursuant to Rule 2-412(d), the deponent is required to designate one or more officers, directors, or managing agents or other persons who consent to testify on its behalf about the subjects listed below and have acquired knowledge concerning the subject areas expressed below:

1. Any documents produced in response hereto or in response to any other discovery requests served to the deponent in this case;

2. Your search for documents to produce in response hereto or to other discovery requests served to the deponent in this case;
3. Any communications to or from Plaintiff, Defendants or Interested Parties in this case.
4. Any communications concerning or about Plaintiff, Defendants or Interested Parties in this case. Note Olde Towne Title, Department of Natural Resources, Town of Keedysville and Christine Morral are "interested parties" in the case.
5. Any "Communications" with land acquisition and planning/Jane Roger's/George Forlifer/ Department of Natural Resources that relates to utilities installation and easements for properties at 25 and 28 Antietam Drive, Keedysville, Maryland.
6. Any and all documents, reports, notices, correspondence, pictures, photographs, video tapes, plats, diagrams, sketches or objects (real evidence) relative to the "Wagon Road".
7. Any documents, records or correspondence related to bridge abutment removal in the Little Antietam Creek in Keedysville, Maryland. Any documents, records or correspondence related to bridge abutment removal in the Little Antietam Creek in Keedysville, Maryland regarding I.C.C. Docket AB 19 Sub 20 Right of Way abandonment of the Hagerstown branch of the B and O Railroad. The abandonment was approved by the I.C.C on June 18th, 1978 and consummated by the railroad on November 15th, 1978. The permits to disturb the stream may have been issued anytime after the abandonment.
8. All Communications/emails/telephonic/in person/correspondence/conversations with the "neighbors" and/or "Engineers(s)"; regarding the "property dispute"/"Wagon Road"/ "Abandoned Railroad"/"CSXQC".

9. Plaintiff's allegations in Complaint; That the "Wagon Road" has been extinguished/ terminated/adversely possessed or abandoned by *Acts in Pais*.
10. Any report(s) made by attempts or actions to Regulate/enforce under "authority" of Deponent; activities on the "Abandoned Railroad", in Keedysville, Maryland; including Deponent incident reports and inquiries to other agencies or political subdivisions. The deponent should be prepared to identify the custodian(s) of and the status/location of any such reports, e.g. whether any report has been destroyed.
11. Any and all documents, reports, notices, correspondence, pictures, photographs, video tapes, plats, diagrams, sketches or objects (real evidence) relative to the attempts or actions to Regulate/enforce activities on the "Abandoned Railroad", in Keedysville, Maryland; or its consequences, including Notice of Violation, fines, demand letters, citations, indictments, letters of intent to prosecute or other correspondence.
12. All Communications between Charles Fawley and Deputy States Attorney Joseph Michael or/and all communications between any DNR employee and the Washington County States Attorney Office; as they relate to the possession and use of the "abandoned railroad" in Keedysville, MD by Parties to this case.
13. All Title Research done for abutting Railroad owners in the vicinity of the "property dispute".
14. Any challenge Washington County makes to the use of the "Wagon Road".
15. Any communications with Attorney David Pembroke and Garrett Culler, Todd Moser related to affidavits, expert testimony and opinions.
16. Any physical inspection of the subject property by any County employee.

Exhibit A

17. County Commissioner minutes that state the 1936 JB Ferguson Atlas of Public Roads of Washington County, Maryland revised 1937 (the "1936 Atlas") is to be used as evidence in a Court of Law. Aforesaid 1936 Atlas hangs in the Land records room at the County COurt house and the County Surveyors Office.

18. Any Inspections of fencing in Storm Water management area's by the Washington County employees.

DOCUMENT PRODUCTION

In accordance with Md. Rules 2-412, 2-415 and 2-510, the Deponent is hereby requested to produce at the deposition documents responsive to each of the following categories in accordance with the definitions set forth herein:

Definitions:

A. These requests are directed at all documents within the possession, custody, or control of the deponent, including any officer, representative, agent, employee or past and present attorneys.

B. As used herein the word "document" or "documents" refers to all writings or other tangible or electronic records, including, but not limited to, all reports and records, charts, correspondence, e-mail (including attachments thereto), electronically storied information, notes, memoranda, minutes, inventory records, payroll records, corporate records, bank records, accounting records, logs, facsimiles, work reports, ledgers, books of account, tape or other recordings, computer disks or other data, contracts, files, plats and plans, diagrams, diary entries, purchase orders, change orders, photographs, deposition, hearing or trial transcripts, and all other writings or other data compilations of any nature or sort from which information can be obtained, whether inscribed by hand or mechanical, electronic, computer, microfilm, photographic, or other means, as well as phonic (such as recording), or visual reproduction of any oral statement, conversation or event.

C. As used herein the word "document" or "documents" includes all copies unless such copies (including any notations and marks thereon) are exact duplicates of documents that are produced.

D. "Copy" when used in reference to a document means any color or black-and-white facsimile reproduction of the document and any color or black-and-white facsimile reproduction made of such a facsimile reproduction if made by means of carbon paper, pressure sensitive paper, xerography, or other means or process.

E. "Communication" means any writing, telephone conversation, oral conversation (other than telephone conversation) or meeting.

F. "Person" means any natural person, business entity (including partnership, association, cooperative, trust, estate, or corporation), governmental entity or department, or agency, bureau or political subdivision thereof.

G. "You" includes the party to whom these requests are addressed, the party's agents, employees, officers, directors, representatives, experts, persons consulted concerning any factual matter or matters of opinion relating to any of the facts or issues involved in this action, and, unless privileged, the attorneys for the party.

H. As used herein, the term "relating to" means containing, recording, discussing, mentioning, noting, summarizing, referring to, commenting upon, describing, digesting, reporting, analyzing, or studying the subject matter identified in a request.

I. All items defined herein refer to the singular, as well as to the plural, unless otherwise specified.

J. The word "and" includes "or," and the word "or" includes "and."

K. The word "every" includes "each," and the word "each" includes "every."

L. The word "all" includes "any," and the word "any" includes "all."

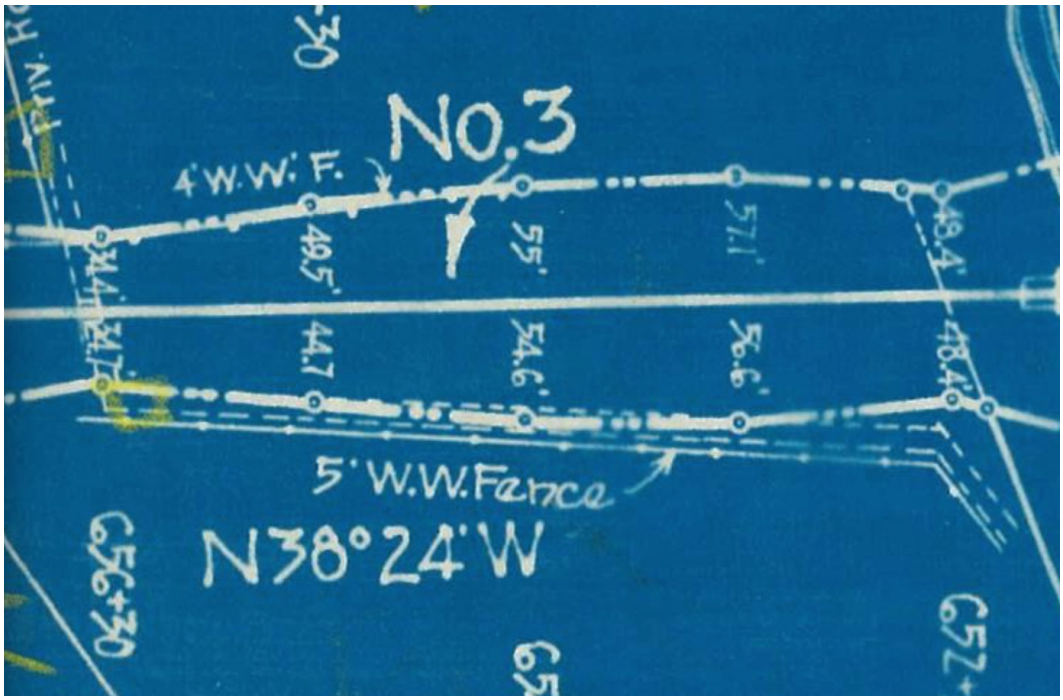
M. The word "including" means "including, but not limited to."

N. All references herein to the masculine include the feminine, and vice versa.

O. The term "MT Vernon AB RR" means the section of the "Abandoned Railroad" that lies within and over any land binding on the Thread on the Little Antietam Creek as it crosses the "Abandoned Railroad" Right-of-Way at the most southeastern area in the vicinity of the "property dispute"; and binding on the Thread on the Little Antietam Creek as it crosses the "Abandoned Railroad" Right-of-Way at the most northwestern area of in the vicinity of the "property dispute"; or using the the Deed list in "CSXQC" folio 805, generally the listed parcels in between VS 28.1/7 and VS 28.1/8 numbers 2,7 and 5 (predecessor J. H. Keedy, et ux., Samual Cost and J. J. Keedy, et ux).

P. The term "Abandoned Railroad" means the Hagerstown to Weaverton/Washington County Branch of the B and O Railroad Abandoned by I.C.C. Docket AB 19 Sub 20,

Exhibit A

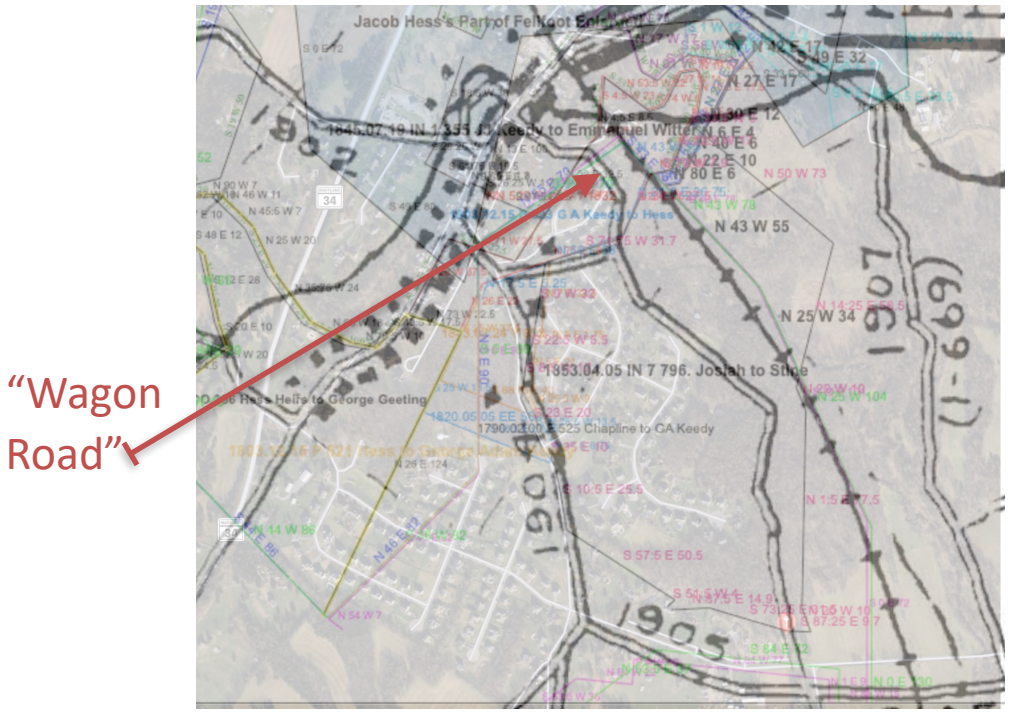


Valuation Map South of lands of Uncle Eddies brokedown palace LLC described on deed Liber 6468 Folio 345 in Keedysville, MD depicting "Wagon Road" as double dashed line. Center of metes and bounds area of "MT Vernon AB RR"

which was acquired by the Washington County Rail Road Company as a *quasi*-public company incorporated by Chapter 334 of the Acts of Assembly of 1864, which said company was granted, by the said Act limited right "to construct a road or roads from Hagerstown to any point on the line of the Baltimore and Ohio Railroad east of Harper's Ferry ... not exceeding sixty-six feet wide," and "after the purchase and condemnation thereof ... may enter upon and use and excavate any land that may be wanted for the site of the said railroad."

Q. The Term "CSXQC" means the Quit Claim Deed Granted from CSX Transportation, Inc. to the State of Maryland to the use of Department of Natural Resources; recorded in the Washington County Land Records at Liber 1015 Folio 796 et seq.

R. The term "wagon road" means the wagon road created by the Washington County Railroad Company as required by Chapter 334 of the Acts of Assembly of 1864; as aforesaid Act expressly states "ways, either public or private, it shall be the duty of the said President and Directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the lands of any individual it shall also be their duty to provide for such individuals proper wagon, ways across said road or roads, from one part of his lands to the other, and whenever any road or roads may hereafter be authorized to be made by the Legislature, when it may be necessary to cross said railroad, the company shall make or cause to be made a



1936 J.B. Ferguson Atlas revised 1937 of the Public Roads of Washington County (South Eastern Quadrant of Tax District 19, Keedysville, MD.

proper and convenient way for road to cross, the expenses of which shall be paid as the Legislature may direct."; and depicted on the J.B. Ferguson Atlas revised 1937 of the Public Roads of Washington County that hangs in the Land Records room of the Washington County Courthouse, and "Abandoned Railroad" Valuation Maps in the metes and bounds area of "MT Vernon AB RR".

S. The term "General Rule" means "[t]he general rule is that the right and title to a mere easement in land acquired by a *quasi*-public corporation, either by purchase, condemnation or prescription, for a public purpose is dependent upon the continued use of the property for that purpose, and when such public use is abandoned the right to hold the land ceases, and the property reverts to its original owner or his successors in title." *Maryland & Pa. R. Co. v. Mercantile-Safe Deposit & Trust Co.*, 224 Md. 34 (1960), *Chevy Chase Land Co. v. US*, 733 A. 2d 1055 - Md: Court of Appeals 1999, *East Wash. Railway v. Brooke,* 223 A. 2d 599 - Md: Court of Appeals 1966, *Read v. Montgomery County*, 643 A. 2d 476 - Md: Court of Special Appeals 1994, *DC Transit Systems v. SRC*, 270 A. 2d 793 - Md: Court of Appeals 1970, and *Montgomery Co. v. Bhatt*, 130 A. 3d 424 - Md: Court of Appeals 2016.

T. The term "neighbors" refers to Keedysville residents that live/own property in the general vicinity of the "Abandoned Railroad" in between Main St Keedysville, MD and DogStreet Road in Keedysville, MD; to include: Jeffrey Young, Deena Holder, Justin Holder, Uncle Eddies brokedown place LLC, Barry Levey, Donna Levey, David Leroy Ickes, Christine Morral, Dwayne Flook, Richard Bishop, Mathew Hull, Kenneth Lord, Judy Kerns, James Kerns, Charles Blanchato, Department of Natural Resources, Town of Keedysville, Chris Wetzel, Scott Morral, Austin Flook, Timothy Burtner, Margerie Moats, Robert Moats, Benjamin Estes, Lisa Estes, Cheryl Young, Sarah Baker, Jessica Cochran, Rebecca Larson, Erin Ickes and the State of Maryland 'writ large.

U. The term "authority" refers to the common law precedence, public rights, legislative act, executive order, constitutional provision or power; in which the State of Maryland regulates/enforces laws/ activities on behalf of the Public.

V. The term "Engineer(s)" refers to Civil engineers, Professional Land Surveyors, or other drafters who may have conducted engineering work or expert opinions related to the "property dispute; including Frederic Mark Frederick, George Nagel, Jerry Comp, Gary Castle, Ron Bidle, Karl Pryor, George Forlifer or any other local Land Surveyor.

W. The term "property dispute" refers to:
On January 22nd, 2020 Benjamin Estes (Mr. Estes) filed action for Trespass in the Washington County District Court against Justin Holder (Mr. Holder) for civil Trespass. On June 8th, 2020 State of Maryland to the benefit of the Department of Natural Resources (DNR) charged *inter alia* with driving in a non designated area/illegal clearing/disturbing a rock on State Park Land in the Washington County District Court. On September 16th, 2020 Jeffrey Young (Mr. Young) filed a complaint for Declaratory Judgment of a recorded instrument and to Quiet Title pleading adverse possession in the Washington County Circuit Court against Mr. Holder and Deena Holder (Mrs. Holder). Mr. Young advertised the Quiet Title under RP § 14-615 and Uncle Eddies brokedown palace LLC (Uncle Eddie) answered as an interested party. On November 13th, 2020 Mr. Estes charged Mr. Holder in the District Court with 3 counts of criminal Trespass, Assault and Stalking. On November 16th, 2020 Mr. Estes files an action of Trespass, Private Nuisance, treble damages and aiding and abetting of same in the Washington County Circuit Court against Mr. Holder and Mrs. Holder; Amending the Complaint on March 17th, 2021 to include Quiet Title, and Ejectment in the Alternative, naming Uncle Eddie as a Defendant to the Complaint. On May 6th, 2021 Plaintiff Benjamin Estes in case C-21-CV-20-000430 Amended his Complaint to include DNR as Defendant, and in addition Plead Adverse Possession of the Property in dispute.

The Properties in dispute were allegedly surveyed and platted by Professional Land Surveyor Frederic Frederick of Frederick Siebert and Associates (Mr. Frederick). The Little Antietam Creek runs generally in a South to North direction through the lands claimed by Uncle Eddie, Mr. Estes and Mr. Young. The now abandoned Washington County Branch of the B & O Railroad (Abandoned Railroad) runs generally East to West through the Lands claimed

Exhibit A

by Mr. Estes, Mr. Young, Uncle Eddie, Mrs. Holder and Mr. Holder. Mr. Holder, Uncle Eddie, Mr. Estes, Mrs. Holder and DNR claim fee simple or easement rights in the Abandoned Railroad. Mrs. Holder and Uncle Eddie claim incorporeal rights of an easement known as the "Wagon Road" through the lands claimed by Mr. Young, Mr. Holder, DNR and other non-parties.[1] Mr. Young's property is primarily East of the Wagon Road and South of the Abandoned Railroad with the Little Antietam Creek bisecting his property. Uncle Eddie's Property is generally West of the Little Antietam Creek and North of the Abandoned Railroad. Mr. Estes property is generally East of the Little Antietam Creek and North of the Abandoned Railroad. Mr. Estes contends to own the Western bank of the Little Antietam Creek and Creek bed, Uncle Eddie avers it owns the West Bank and Creek bed. Mr. Estes appears to contend the Public has no rights to the waters of the Little Antietam Creek and Mr. Holder appears to contends the Public does have rights to the aforesaid waters. The DNR contends to have rights to the waters above the Creek bed that the DNR contends to own; but does not represent other agencies whom may assert rights in the waters such as Maryland Department of the Environment. The Non-Parties in which Uncle Eddie and Mrs. Holder contend the Wagon Road burdens generally own property North of the Abandoned Railroad and west of the Wagon Road in a subdivision built out in 2017 and completed in 2019 named (Stonecrest). Mr. Holder has no record Stonecrest was surveyed by Mr. Frederick. The Stonecrest Plat 8292 et seq. recorded in Washington County Land records has a note at the bottom the plat was done without a title search and there may be other encumbrances than depicted on the plat.

Mr. Holder contends that Mr. Frederick performed the Surveys of Mr. Estes, Mr. Young, and Uncle Eddie with no title research and did not locate the original stone monuments; setting new iron pins near fence lines. Mr. Young and Mr. Estes have plead *inter alia* claim to right by adverse possession. Mr. Holder Contends the epicenter of the dispute is in the vicinity of a Stone Monument (The Stone). Mr. Holder contends The Stone is generally located in the center of all the parties claimed properties at the Intersection of the Wagon Road, Abandoned Railroad and Little Antietam Creek.

SCHEDULE A - SCHEDULE OF DOCUMENTS:

[1] Mr. Young's deed (L885F110) and L434F776 expressly grants Mr. Estes a right through his property, however Mr. Estes has not asserted aforesaid right in this property dispute. Defendant Mr. Holder has a separate action of Defamation, Invasion of Privacy, Ejectment, and Wiretapping filed in the Washington County Circuit Court against Town of Keedysville, Christine Morral, Mr. Estes and David Leroy Ickes; some of which own property that Uncle Eddie and Mrs. Holder contend to have rights through their claimed land. Non Parties have been served Subpoena in the Mr. Young action but refused to Join suit thus far, acquiescing to the easement or refusing to answer direct questions related to joinder.

Exhibit A

1. Any correspondence, email, text, social media, letters; sent or received that relate to the “property dispute”/“neighbors”/“Abandoned Railroad”/“Wagon Road” or parties in this action.
2. Any reports, investigatory files, citations, fines, demand letters, notice of violation that relate to the ““property dispute”/“neighbors”/“Abandoned Railroad”/“Wagon Road” or parties in this action.
3. Any documents that give State of Maryland ‘writ large or the Public; Incorporeal, appurtenant rights, easement in gross of the Public; to the “Abandoned Railroad”, in Keedysville, Maryland.
4. Any Communications with the United States Enviromental Protection Agency, other State of Maryland Agencies or other political sub-divisions related to the “property dispute”/“neighbors”/“Abandoned Railroad”/“Wagon Road” or parties in this action.
5. Any emails/correspondence/text/social media messaging/letters/call logs/ conversation notes/pictures/videos/media/tangible evidence relating to the “property dispute”/“neighbors”/“Abandoned Railroad”/“Wagon Road” or the instant case.
6. Any emails/correspondence/text/social media messaging/letters/call logs/ conversation notes/pictures/videos/media/tangible evidence the states claim to a fee simple interest in the vicinity of the “MT Vernon AB RR”/“Wagon Road”/ “Abandoned Railroad” and/or “CSXQC.
7. All notes and correspondence related to Expert Communications and Affidavits related to the instant case.

Exhibit A

Respectfully submitted,

Justin Holder, *Pro Se*
308 West Chapline St.
Sharpsburg, MD 21782
jholder2004@gmail.com
(240) 356 - 2008

Certificate of Service

I hereby certify that on this 12th day of January, 2022, the foregoing Certificate Regarding Discovery was filed via MDEC and thus served electronically upon all counsel of record, and the foregoing paper Subpoena *Duces Tecum* to **Washington County**, **Maryland** and Certificate Regarding Discovery was sent via Electronic Mail, including:

David Pembroke, Esq.,
Robert Kline, Esq.,
Brandy Peeples, Esq.,
Justin Holder, *Pro Se.*

Justin K. Holder, *Pro Se*

Exhibit A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, *et al.*** **Defendants**	**Case No. C-21-CV-20-000371**

CERTIFICATE OF RECORDS OF REGULARLY CONDUCTED BUSINESS ACTIVITY

Pursuant to Maryland Rule 5-902, the undersigned **Custodian of Records** hereby certifies, as to all of the attached records, that:

1. The records were created at or near the time of the occurrence of the matters set forth by (or from information transmitted by) a person with knowledge of those matters;

2. The records were made and kept in the course of regularly conducted business activity;

3. It is the regular practice of this business to keep the records as these were kept; and

4. There are no circumstances that would otherwise indicate that the records lack trustworthiness as

they were properly kept and maintained in accordance with the regular procedures of this business.

Exhibit A

CERTIFICATION

I do solemnly declare and affirm, under the penalties of perjury, that the matters set forth above are true to the best of my knowledge, information and belief.

_____ Signature

_____ Printed Name

_____ Capacity/Position/Job Title

_____ Name of Business or Agency

_____Number of Pages/Documents Produced

_____ Date

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C0-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al
Defendant

TO: Washington County, Maryland - Corporate Designee
Name
100 West Washington Street
Address 1
Address 2
Hagerstown, MD 21740
City, County, State, Zip

Issue Date: 01/12/2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☐ court proceeding ☐ deposition at the following location:

308 West Chapline Street
Address of Court or Other Location
Sharpsburg, MD 21782
City, State, Zip

On February 28th, 2022 (Date) at 9:00 (Time) ☒ a.m ☐ p.m.

☒ To testify in the above case, and/or

☒ To produce the following documents, items, and information, not privileged: see attached schedule A

☒ To produce, permit inspection and copying of the following documents or other tangible items: see Attached Schedule A

Justin Holder
Requested By
requested issuance of this subpoena. Questions should be referred to:

Justin Holder
Name
(240) 356 - 2008
Phone

308 West Chapline St
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: Zoom Link provided in Notice

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____
on the following date: _____ by the following method (specified as required by Rule 2-126): _____

_____
Signature

_____
Printed Name

CC-004 (Rev. 07/2018)

Exhibit A

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
	*	
Plaintiff	*	
v.	*	
	*	
JUSTIN HOLDER, Et Al	*	
	*	
Defendant(s)	*	
	*	
And	*	CASE NO.: C-21-CV-20-000371
	*	
Washington County Board of County Commissioners	*	
	*	
	*	
3rd Party Plaintiff/Intervenor	*	
	*	
v.	*	
	*	
Justin Holder	*	
Defendant		

* *

ANSWER TO WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONER'S CLAIM IN EQUITY TO ENJOIN DEFENDANT JUSTIN HOLDER FROM CONSTITUTIONAL RIGHT'S OF REDRESS

COMES NOW Defendant, Justin Holder, in proper person, in Answer to Washington County Board of County Commissioner's Claim in Equity to Enjoin Defendant Justin Holder from Constitutional Right's of Redress, states as follows:

DEFENSES

1. 3rd Party Plaintiff/Intervenor has failed to state a claim upon which relief can be granted.
2. 3rd Party Plaintiff/Intervenor's claims are barred by Laches.
3. 3rd Party Plaintiff/Intervenor's claims are barred by Estoppel.
4. 3rd Party Plaintiff/Intervenor's claims are barred by the doctrine of Waiver.

Justin K. Holder

Pro se Litigator

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Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

5. 3rd Party Plaintiff/Intervenor's claims are barred by the failure to join parties under Md. Rule 2-211.
6. 3rd Party Plaintiff/Intervenor's claims are barred by the lack of necessary parties.
7. 3rd Party Plaintiff/Intervenor's claims are barred by lack of jurisdiction. See adequate Remedy in Law *inter alia* MD. General Provisions Code Ann. § 4-101 *et seq.*
8. 3rd Party Plaintiff/Intervenor's request is *ultra vires* of the 1st, 4th, 5th, 6th, 8th and 14th Amendments of the United States Constitution.
9. 3rd Party Plaintiff/Intervenor's request is *ultra vires* of Article 1,2,3,6,7,8,10,12,16,17,18,19,24 and 40 of the Maryland Constitution.
10. 3rd Party Plaintiff/Intervenor's claims in equity are barred by the Clean Hands Doctrine.
11. 3rd Party Plaintiff/Intervenor's claims in law are barred by *in pari delicto.*
12. Defendant's right for redress lies solely in the discretion of the legislature.
13. Defendant challenges 3rd Party Plaintiff/Intervenor to find any jurisprudence that suggest the government is entitled to injunctive relief as to a citizen's constitutional right for redress.
14. The claim fails to state irreparable injury and therefore must be dismissed.

ANSWER TO THE ALLEGATIONS

In Answer to the specific allegations of the Claim, the Defendant states as follows:

13. Defendant admits the allegations contained in paragraph 1 of the Claim to the extent the case "pertains to a property dispute between Mr. Holder and his neighbors" and Denies the allegations to the extent any "governmental entities" are a party and demands strict proof thereof.

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
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14. Defendant admits the allegations contained in paragraph 2-footnote 2 of the claim to the extent the County was only a party to the listed cases and protective orders were entered; and denies the lawfulness of the orders which were unjust, unfair and highly prejudicial.

15. Defendant admits the allegations in paragraph 2a, the orders were entered.

16. Defendant admits the allegations in paragraph 2b of the claim, the orders were entered and Denies the allegation to the extent they infer the Defendant has ever engaged in any "unnecessary" or "overly burdensome" discovery and demands strict proof thereof.

17. Defendant admits the allegations in paragraph 2c of the claim.

18. Defendant admits the allegations in paragraph 2d of the claim to the extent the order was entered and denies the order was lawful, just or in the interest of judicial economy and demands strict proof thereof.

19. Defendant admits the allegations in paragraph 2 footnote 3 of the claim.

20. Defendant admits the allegations in paragraph 2 footnote 4 of the claim.

21. Defendant admits the allegations in paragraph 3 of the claim that the Defendant has made lawful and proper request for redress in accordance with the Maryland Public Information Act and Defendant denies the allegations to the extent the request were "seeking materials that relate to the above referenced matters and/or could have or should have been sought during discovery in those matters." and Defendant demands strict proof thereof.

22. Defendant admits the allegations in paragraph 4 of the claim to the extent a request was made and denies the allegations to the extent the 3rd Party Plaintiff/Intervenor infers the request were lawfully answered or responded to and the Defendant demands strict proof thereof.

Justin K. Holder

Pro se Litigator

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Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

23. Defendant denies the allegations contained in paragraph 5 of the claim and demands strict proof thereof.

24. Defendant admits the allegations contained in paragraph 6 of the claim.

25. Defendant admits the allegations contained in paragraph 7 of the claim to the extent the "dicta" cited exist in Jurisprudence and Denies the allegations to the extent they infer any of Defendant's request were unlawful, in bad faith or unwarranted in his request for redress. Defendant further denies the allegations contained in paragraph 7 of the claim insomuch that any of the request made were germane to any of the litigation noted in paragraph 1 that is *sub judice* and the Defendant demands strict proof thereof.

26. Defendant admits the allegations contained in paragraph 8 of the claim to the extent some of the persons listed were subject of the records request and denies the allegations to the extent the request were germane to any litigation and demands strict proof thereof.

27. Defendant denies the allegations contained in paragraph 9 of the claim and demands strict proof thereof.

28. Defendant denies the allegations contained in paragraph 10 of the claim and demands strict proof thereof.

29. Defendant denies the allegations contained in paragraph 11 of the claim and demands strict proof thereof.

30. Defendant denies the allegations contained in paragraph 12 of the claim and demands strict proof thereof. Specifically Defendant has paid fees over $1000 to the 3rd party Plaintiff/Intervenor.

31. Defendant denies the allegations contained in paragraph 13 of the claim and demands strict proof thereof.

Justin K. Holder

Pro se Litigator

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Sharpsburg, MD 21782
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Jholder2004@Gmail.com

32. Defendant denies the allegations contained in paragraph 14 of the claim and demands strict proof thereof.

33. Defendant denies the allegations contained in paragraph 15 of the claim and demands strict proof thereof.

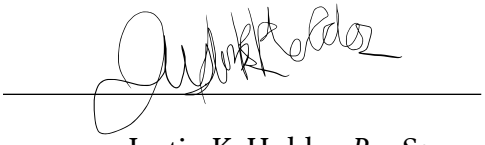
WHEREFORE, Defendant, Justin Holder, denies 3rd Party Plaintiff/Intervenor's claims and demands judgment and declaratory relief in his favor as to all allegations directed against him, for dismissal of 3rd Party Plaintiff/Intervenor's Complaint and Petition, and for such other and further relief as the nature of this cause may require.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

DEMAND OF JURY TRIAL

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Demand for a Jury Trial under the 7th Amendment of the United States Constitution and Article 23 of the State Constitution and in accordance with Rule 2-325(a) and MD Cts & Jud Pro Code § 3-404 (2019).



Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of June, 2022, a copy of the foregoing Answer to Washington County Board of County Commissioners Claim in Equity to Enjoin Defendant Justin Holder from Constitutional Rights of Redress and Demand of Jury Trial was served via the MDEC system to :

Edward Kuczyński, Esq.,
Kevin Karpinski, Esq.,
Talley Kovacs, Esq.,
Peter Rogers, Esq.,
R. David Pembroke, Esq.,
Brandy Peeples, Esq.,
Robert Kline, Esq.,
Justin Holder, *Pro Se*

Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

Jeffrey Young	*	
Plaintiff,	*	Case No.: C-21-CV-20-000371
v.	*	
Justin Holder, et al.,	*	
Defendants.	*	

* * * * * * * * * * * * *

MOTION TO QUASH SECOND SUBPOENA ISSUED TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES

The Maryland Department of Natural Resources (the "Department"), a nonparty, by its attorneys Brian E. Frosh, Attorney General of Maryland, and Julia G. Solomon and Emily A. Vainieri, Assistant Attorneys General, moves pursuant to Maryland Rule 2-510(e) to quash the second trial subpoena served on the Department by Defendant Justin Holder on June 15, 2022, and for cause states:

1. Defendant Justin Holder has served a second, one-page subpoena compelling the Department to identify a corporate designee(s) to personally appear and testify in the trial in this matter on June 21, 22, and 23, 2022. **Exhibit A**, Second Subpoena, issued June 15, 2022.

2. The Second Subpoena is untimely and imposes an undue burden on the Department and its staff and should be quashed.

3. Maryland Rule 2-510(d) generally requires a subpoena to compel a non-party witness to appear and provide testimony in a court proceeding to be served at least five days before a trial or hearing.

4. Mr. Holder served the Second Subpoena to the Office of the Attorney General by email on Wednesday, June 15, 2022. Trial in this case starts on Tuesday, June 21, 2022. Monday, June 20, 2022 is a court holiday and holiday for state employees.

5. Pursuant to Maryland Rule 1-203(a), in computing time periods that allow for seven or fewer days for compliance, intermediate Saturdays and Sundays are not included in any such period. Because Mr. Holder's Second Subpoena requests that the Department's corporate designee(s) appear for trial within five days, any computation of time required would exclude weekends and only encompass weekdays. Accordingly, Mr. Holder is attempting to subpoena the Department to appear for trial with only two days' notice excluding the first date of the trial itself. This fails to comport with both the letter and the spirit of Maryland Rule 2-510(d). As a matter of judicial fairness and in light of the rules protecting witnesses from undue burden, harassment, and annoyance, two days' notice is wholly insufficient to prepare any corporate designee witness for trial in which the entity producing the witness is not a party.

6. Therefore, because Mr. Holder's Second Subpoena is untimely, it must be quashed.

7. Further, the "Special Message" section of the Second Subpoena purporting to identify the subject matter upon which testimony from a Department designee is sought is confusing at best and does meet the requirement to give reasonable particularity as to the testimony sought.

8. In this Second Subpoena, Mr. Holder has included the following "Special Message" field of the subpoena form:

> DNR Corporate Designee is expected to testify consistently with the January 24, 2022 Deposition and bounday (sp) Recover performed related to DNR fines issued. DNR Corporate Designee is also expected to testify consistently with testimony of Mary Ironside, Cody Linton, Cody Cheney and David Breakall. Including body cam video, and statements to Plaintiff and neighbors.

9. Mr. Holder appears to be requesting at least five individual Department employees to appear for trial in a matter in which the Department is not a party and has taken no position.

10. The intent appears to be to have a person who was previously deposed give testimony about that deposition specifically related to boundary recovery and "DNR fines." Given that Plaintiff Young has filed a quiet title lawsuit against Defendant Holder, the relevance of such testimony to the ultimate issue to be decided at trial appears to the Department to be tenuous at best. Therefore, the Second Subpoena, in this regard, facially imposes an undue burden on the Department for an improper purpose and should be quashed.

11. Further, a designee should not be compelled under this Second Subpoena to attend trial to give testimony about "testimony" from other individuals. In this case, Mr. Holder appears to intend to solicit testimony from a Department designee about the testimony of other persons, i.e. "Mary Ironside, Cody Linton, Cody Cheney and David Breakall. Including body cam video, and statements to Plaintiff and neighbors." Such testimony would have inherent admissibility issues and compelling a designee, or five designees, to be present at trial to answer questions related to their prior testimony, or

someone else's prior testimony, is improper and imposes an undue burden to the Department and its employees and so the Second Subpoena should be quashed.

12. Pursuant to Maryland Rule 2-510(e), "[o]n motion of a person served with a subpoena to attend a court proceeding. . . the court may enter an order that justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden or cost, including. . . that the subpoena be quashed or modified."

13. Here, compelling the Department to send five agency representatives to appear in person for three consecutive business days, or even one business day, and testify in a court proceeding about matters which are not stated with reasonable particularity, are not reasonably related to the ultimate issue in the quiet title case, will certainly cause the individuals to feel annoyed, embarrassed, and unduly burdened. Such an outcome is exactly the harm that Maryland Rule 2-510(e) is designed to prevent.

14. This Court quashed a first trial subpoena issued to the Department by Defendant Justin Holder purporting to compel a corporate designee(s) to give testimony in trial in this matter by order entered on June 14, 2022.

15. As was the case with the first trial subpoena, Defendant Justin Holder has similarly not complied with the Maryland Rules regarding the issuance and service of the Second Subpoena.

WHEREFORE, for these reasons, the Department respectfully requests that the Court enter an order quashing the Second Subpoena and directing such other and further relief as the cause of justice requires. A proposed order is filed with this Motion.

Respectfully Submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/

JULIA G. SOLOMON
Maryland CPF No.: 0612120328
EMILY A. VAINIERI
Maryland CPF No.: 0512150045
Assistant Attorneys General
Office of the Attorney General
Maryland Department of Natural Resources
580 Taylor Ave., C-4
Annapolis, Maryland 21401
(410) 260-8353
julia.solomon@maryland.gov

Attorneys for the Maryland Department of Natural Resources

Dated: June 17, 2022

CERTIFICATE OF COMPLIANCE WITH RULE 1-322.1 AND RULE 20-201

I HEREBY CERTIFY that, in accordance with Maryland Rule 1-322.1, this submission does not contain any personal identifier information, and, in accordance with Maryland Rule 20-201, this submission does not contain any restricted information.

/s/
_____
Julia G. Solomon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2022, a copy of the foregoing Motion to Quash Second Subpoena Issued to the Department of Natural Resources was served by electronic means via the MDEC system on all persons entitled to service.

/s/
_____
Julia G. Solomon

EXHIBIT A

(To the Motion to Quash Second Subpoena Issued to the

Maryland Department of Natural Resources)

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al.
Defendant

TO: MD Dept. of Natural Resources - Corporate Designee
Name
580 Taylor Avenue
Address 1
Serve on: civil_service@oag.state.md.us
Address 2
Annapolis, Md 21401
City, County, State, Zip

Issue Date: June 15th, 2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:

24 Summit Avenue,
Address of Court or Other Location
Hagerstown, MD 21740
City, State, Zip

On June 21st,22nd & 23rd, 2022 at 9:00 ☒ a.m ☐ p.m.
Date Time

☒ To testify in the above case, and/or

☐ To produce the following documents, items, and information, not privileged: _____

☐ To produce, permit inspection and copying of the following documents or other tangible items: _____

Justin Holder requested issuance of this subpoena. Questions should be referred to:
Requested By

Justin Holder
Name
(240) 356 -2008
Phone

308 West Chapline Street
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: DNR Corporate Designee is expected to testify consistently with the January 24th, 2022 Deposition and bounday Recover performed related to DNR fines issued. DNR Corporate Designee is also expected to testify consistently with testimony of: Mary Ironside, Cody Litton, Cody Cheney and David Breakall. Including body cam video, and statements to Plaintiff and neighbors

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoen

Kevin Tucker, Clerk
Circuit Court for Washington County

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____
on the following date: _____ by the following method (specified as required by Rule 2-126):

_____

_____
Signature

_____
Printed Name

CC-004 (Rev. 07/2018)

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

Jeffrey Young	*	
		Case No.: C-21-CV-20-000371
Plaintiff,	*	
v.		
	*	
Justin Holder, *et al.*		
	*	Trial Dates: June 21, 22, 23, 2022
Defendants.		

* * * * * * * * * * * * *

MOTION PURSUANT TO RULE 2-510(e) TO QUASH TRIAL SUBPOENA TO CORPORATE DESIGNEE OF THE MARYLAND DEPARTMENT OF GENERAL SERVICES

The Maryland Department of General Services ("the Department"), a non-party, by its attorneys Brian E. Frosh, Attorney General of Maryland, and John C. Fredrickson, Assistant Attorney General, hereby moves to quash the trial subpoena served to the Department by Defendant Justin Holder on or about June 8, 2022 pursuant to Md. Rule 2-510(e), and states good cause for an order that justice requires that the subpoena be quashed as follows:

1. Defendant, Justin Holder, served a subpoena to the "Maryland Department of General Services Corporate Designee" (the "Subpoena", Exhibit A, attached hereto) on or about June 8, 2022 by email to the Office of the Attorney General, which is authorized to accept service on behalf of agencies of the State pursuant to Md. Rule 2-124(k).

2. The Department is not a party to this case.

3. Although the Subpoena seeks a witness to attend all three of the scheduled dates for trial, it fails to identify any specific individual, subject matter or document about which Mr. Holder intends to call a designee of the Department to testify.

4. The Department takes seriously its responsibilities to the public, and to avoid unnecessary expenditures of resources and funds. Given the lack of information provided in the

Subpoena, the Department is unable to properly and reasonably prepare for possible testimony, and has insufficient information to designate an appropriate representative to serve as a witness.

5. Pursuant to Rule 2-510(e), "[o]n motion of a person served with a subpoena to attend a court proceeding…the court may enter an order that justice requires to protect the person from annoyance, embarrassment, oppression, or undue burden or expense, including…that the subpoena be quashed or modified."

6. Here, compelling the Department to send a representative to appear in person for three consecutive days of trial, and to testify without any prior awareness of the subject matter of the expected testimony would cause annoyance and embarrassment to the witness. It would also be an undue burden and expense on the Department as it would be an inefficient use of its resources, including the time and energies of its employees.

7. Pursuant to Rule 2-510(g), "[a] party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena."

8. Presumably, Mr. Holder had ample time in advance of the trial dates to make the Department aware of his intentions, however, he did not do so. Accordingly, Mr. Holder has not taken reasonable steps to avoid imposing undue burden and expense on the Department and, therefore, has not complied with Rule 2-501(g).

9. Presumably, Mr. Holder had ample time in advance of the trial dates to determine whether he needed to call a witness from the Department. Despite the fact that the instant litigation was initiated in 2020, the Subpoena was served only eight business days in advance of the trial. Accordingly, Mr. Holder has not taken reasonable steps to avoid imposing undue burden and expense on the Department and, therefore, has not complied with Rule 2-501(g).

10. Given that the trial is scheduled to commence in less than ten days, the Department is filing a Motion to Shorten Time for Defendant Justin Holder's response contemporaneously with this motion.

WHEREFORE, for these reasons, the Maryland Department of General Services requests that the Court enter an order quashing the Subpoena and for such other and further relief as the cause of justice requires. A Proposed Order is filed with this Motion.

Date: June 15, 2022

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/ John C. Fredrickson

John C. Fredrickson
CPF No. 8312010150
Assistant Attorney General
Department of General Services
301 West Preston Street, Room 1304
Baltimore, Maryland 21201
john.fredrickson@maryland.gov
Telephone: (410) 767-1825
Facsimile: (410) 333-7654
Attorneys for the Maryland Department of General Services

CERTIFICATE OF COMPLIANCE WITH RULE 1-322.1 AND RULE 20-201

I HEREBY CERTIFY, that in accordance with Rule 1-322.1, this submission does not contain any personal identifier information, and, in accordance with Rule 20-201, this submission does not contain any restricted information.

/s/ John C. Fredrickson
John C. Fredrickson
CPF No. 8312010150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY pursuant to Rule 20-201(g) and Rule 20-205 that on the 15th day of June, 2022, a copy of the foregoing Motion Pursuant to Rule 2-510(e) To Quash Trial Subpoena To Corporate Designee of the Maryland Department of General Services was filed and submitted for service by electronic means by the MDEC system on all persons entitled to service.

/s/ John C. Fredrickson
John C. Fredrickson
CPF No. 8312010150

JEFFREY YOUNG	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
JUSTIN HOLDER, et al.	*	WASHINGTON COUNTY
Defendants	*	Case No.: C-21-CV-20-000371

* * * * * * * * * * * * * *

MOTION TO QUASH SUBPOENA ISSUED TO THE BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY

Non-party, the BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY (the "County"), by, KARPINSKI, CORNBROOKS & KARP, P.A. and KEVIN KARPINSKI, its attorneys, moves pursuant to Maryland Rule 2-510(e) to quash the trial subpoena issued to the County by Defendant Justin Holder on June 15, 2022 and in support thereof, states the following:

1. The County is not a party to the instant litigation.

2. Mr. Holder sent a subpoena to the County on June 15, 2022—by email—which requests that the County's corporate designee appear for trial in this matter, which is presently scheduled for June 21st, 22nd, and 23rd. *See* June 15, 2022 Subpoena, attached hereto and incorporated herein as Exhibit 1.

3. Presently, trial is scheduled to begin in six days from the date upon which Mr. Holder emailed his subpoena to the County.

4. Maryland Rule 2-510(d) generally requires a subpoena to be served at least five days before a trial or hearing.

5. Pursuant to Maryland Rule 1-203(a), in computing time periods that allow for seven or fewer days for compliance, intermediate Saturdays and

Sundays are not included in any such period. Because Mr. Holder's subpoena requests that the County's designee appear for trial within six days, any computation of time required would exclude weekends and only encompass weekdays. Accordingly, Mr. Holder is attempting to subpoena the County to appear for trial with only three days' notice.[1] This fails to comport with Maryland Rule 2-510(d). Therefore, Mr. Holder's subpoena is untimely and must be quashed.

6. In addition, subpoenas may be served in any manner permitted under Maryland Rule 2-121(a). *See* Md. Rule 2-510(d). Maryland Rule 2-121(a) does not permit litigants to serve subpoenas by email. Presently, the County has not received a copy of the subpoena in any of the manners authorized by Rule 2-121(a). Therefore, Mr. Holder has not properly served the subpoena to the County and his subpoena must be quashed.

WHEREFORE, based on the foregoing, the County requests that this Court quash the subpoena sent by Mr. Holder's to the County.

Respectfully Submitted,

KARPINSKI, CORNBROOKS & KARP, P.A.

By: /s/ Kevin Karpinski

KEVIN KARPINSKI
AIS #9312150114
120 East Baltimore Street - Suite 1850
Baltimore, Maryland 21202–1617
410-727-5000
kevin@bkcklaw.com
Counsel for Washington County Board of County Commissioners

[1] This number is computed excluding the date of trial itself.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June 2022, a copy of the foregoing was electronically filed, with notice to:

Justin Holder
308 West Chaplin Street
Sharpsburg, Maryland 21782
Pro se Defendant

Brandy Ann Peeples, Esquire
47 East All Saints Street
Frederick, Maryland 21701
Counsel for Deena Holder

Robert Lorenzo Kline, III, Esquire
Kline Law Group LLC
73 North Main Street
Port Deposit, Maryland 21904
Counsel for Uncle Eddies Brokedown Palace, LLC

R. David Pembroke
21 Summit Avenue
Hagerstown, Maryland 21740
Counsel for Plaintiff Jeffrey Young

/s/ Kevin Karpinski
Attorneys for Washington County Board of County Commissioners

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

RESPONSE TO MOTION TO QUASH TRIAL SUBPOENA - DGS and WASHCO

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Response to Motion to Quash Trial Subpoena - DGS and WASHCO, and for reasons stated herein:

INTRODUCTION

On July 20th, 2021 a Subpoena was issued to the Maryland Department of General Services (the "DGS") for a September 1st, 2021 deposition in the instant case. The DGS did not appear but produced the requested documents. The DGS was Subpoenaed for trial in the instant case by June 7th, 2022 Subpoena. On January 12th, 2022 a Subpoena was issued to the Washington County, Maryland Corporate Designee ("Washco") for a February 28th, 2022 deposition in the instant case. Washco was Subpoenaed for Trial in the instant case on June 7th, 2022. The Court issued an order on June 15th, 2022 attached hereto as ***Exhibit 1 - Order - c21cv20371*** and incorporated herein by reference, (the "Order"). The Order issued by Andrew Wilkinson required that:

1. "or subject matters of expected inquiry with specificity.", which the Defendant did when he reissued the Trial Subpoena's to all 4 corporate designees, see attached ***Exhibit***

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

2 - c-21-cv-20-000371 - Trial Subpoena - Corporate Designees and incorporated herein by reference; and

2. "In addition, the court expects counsel and the pro se party to plan before trial to schedule witnesses in a manner that potential witnesses are not required to sit in court for multiple days." which the Defendant did when he reissued the Trial Subpoena's to all 4 corporate designees see attached ***Exhibit 3 - Gmail - Trial Subpoena - C-21-CV-20-000371 - MDNR - DGS - Washco - ToK - Good Faith*** and incorporated herein by reference.
3. In ***Exhibit 3 - Gmail - Trial Subpoena - C-21-CV-20-000371 - MDNR - DGS - Washco - ToK - Good Faith***[1] the Defendant suggest the individual who may be best to testify but would prefer the agency bring the person the agency decides is best to testify about the narrow scope of subject matter clearly articulated in the special message section of ***Exhibit 2 - c-21-cv-20-000371 - Trial Subpoena - Corporate Designees.***

GROUNDS and AUTHORITIES

"**(4)** A statement by the party's agent or employee made during the agency or employment relationship concerning a matter within the scope of the agency or employment; or" *Rule 5-803 - Hearsay Exceptions: Unavailability of Declarant Not Required, Md. R. Evid. 5-803*

"**(b) Hearsay Exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former Testimony. Testimony given as a witness in any action or proceeding or in a deposition taken in compliance with law in the course of any action or proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination."
Rule 5-804 - Hearsay Exceptions; Declarant Unavailable, Md. R. Evid. 5-804

"(a) Required, Permissive, and Non-permissive Use. **(1)** A subpoena is required:

---

[1] Defendant provides the specific documents he will be examining the agency about at Trial to DGS, since DGS did not appear for oral deposition on September 1st, 2021.

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

(A) to compel the person to whom it is directed to attend, give testimony, and produce designated documents, electronically stored information, or tangible things at a court proceeding, including proceedings before a magistrate, auditor, or examiner; and" *Rule 2-510 - Subpoenas-Court Proceedings and Depositions, Md. R. Civ. P. Cir. Ct. 2-510*

ARGUMENT

The Motion to Quash Trial Subpoena for Department of General Services and Washington County is moot, as the Defendant has performed specifically as requested by the Trial Court and will work with any party to mitigate the time spent at trial.[2] The Defendant must have cooperation with Plaintiff in order to schedule the witnesses in the instant case.

CONCLUSION

WHEREFORE, the Defendant collected relevant and admissible evidence from the Maryland Department of General Services on September 1st, 2021, and prior, to be used at trial. The Defendant has collected relevant and admissible evidence (or in the case of any abandonment, the absence thereof) from Washington County on February 28th, 2022, or prior, to be used at Trial. The Defendant has specifically performed as required by the Trial Court in reissuing Subpoena. The Motion to Quash DGS and Washco Trial Subpoena(s) should be denied as moot.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

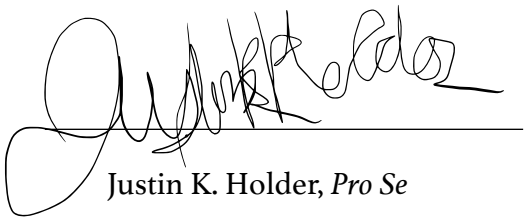
[2] The Plaintiff has thus far been completely uncooperative in scheduling the Trial, nor has counsel returned my phone calls or emails, excepting the email in which Plaintiff refused to stipulate to the testimony provided in deposition, representing that Plaintiff has questions for the witnesses.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2022, a copy of the foregoing Response to Motion to Quash Trial Subpoena - Maryland Department of General Services was served via the MDEC system to :

John C. Fredericton, Esq.,
Talley Kovacs, Esq.,
Edward Kuczynski, Esq.,
Roland David Pembroke, Esq.,
Brandy Peeples, Esq.,
Robert Kline, Esq.,
Peter Rogers, Esq.,
Julia G. Solomon, Esq.,

Justin Holder, *Pro Se*



Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

E-FILED Washington Circuit Court 6/15/2022 9:35 AM System System
E-FILED; Washington Circuit Court
1565 Docket: 6/13/2022 9:35 AM; Submission: 6/15/2022 9:39 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

Jeffrey Young *

Case No.: C-21-CV-20-000371

Plaintiff, *

v. *

Justin Holder, et al., *

Defendants. *

* * * * * * * * * * * * *

ORDER

The Court, having read and considered the Motion to Quash Subpoena Issued to the Maryland Department of Natural Resources and any responses thereto, does this

13th of June, 2022

ORDER that the Motion is GRANTED, and

FURTHER ORDER that the Subpoena is quashed.

A trial subpoena for a non-party organization must name a particular person to attend trial or state the areas or subject matters of expected inquiry with specificity. In addition, the court expects counsel and the pro se party to plan before trial to schedule witnesses in a manner that potential witnesses are not required to sit in court for multiple days. Reading of deposition transcripts for witnesses not properly subpoenaed will not be permitted.

Andrew F. Wilkinson

Entered: Clerk, Circuit Court for
Washington County, MD
June 14, 2022

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al.
Defendant

TO: MD Dept. of General Services - Corporate Designee
Name
301 West Preston Street
Address 1
Serve on: civil_service@oag.state.md.us
Address 2
Baltimore, Md 21201
City, County, State, Zip

Issue Date: June 15th, 2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:

24 Summit Avenue,
Address of Court or Other Location
Hagerstown, MD 21740
City, State, Zip

On June 21st,22nd & 23rd, 2022 at 9:00 ☒ a.m ☐ p.m.
Date Time

☒ To testify in the above case, and/or

☐ To produce the following documents, items, and information, not privileged:

☐ To produce, permit inspection and copying of the following documents or other tangible items:

Justin Holder requested issuance of this subpoena. Questions should be referred to:
Requested By

Justin Holder
Name
(240) 356 -2008
Phone

308 West Chapline Street
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: DGS CORPORATE DESIGNEE IS EXPECTED TO TESTIFY ABOUT THE DOCUMENTS PRODUCED IN THE SUBPOENA ISSUED IN THE INSTANT CASE, SPECIFICALLY TITLE TO THE PROPERTY SUBJECT TO RIGHTS OF WAY

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoen

Kevin Tucker, Clerk
Circuit Court for Washington County

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RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s):
on the following date: by the following method (specified as required by Rule 2-126):

Signature

Printed Name

CC-004 (Rev. 07/2018)

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al.
Defendant

TO: MD Dept. of Natural Resources - Corporate Designee
Name
580 Taylor Avenue
Address 1
Serve on: civil_service@oag.state.md.us
Address 2
Annapolis, Md 21401
City, County, State, Zip

Issue Date: June 15th, 2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:

24 Summit Avenue,
Address of Court or Other Location
Hagerstown, MD 21740
City, State, Zip

On June 21st,22nd & 23rd, 2022 at 9:00 ☒ a.m ☐ p.m.
Date Time

☒ To testify in the above case, and/or

☐ To produce the following documents, items, and information, not privileged: _____

☐ To produce, permit inspection and copying of the following documents or other tangible items: _____

Justin Holder requested issuance of this subpoena. Questions should be referred to:
Requested By

Justin Holder
Name
(240) 356 -2008
Phone

308 West Chapline Street
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: DNR Corporate Designee is expected to testify consistently with the January 24th, 2022 Deposition and bounday Recover performed related to DNR fines issued. DNR Corporate Designee is also expected to testify consistently with testimony of: Mary Ironside, Cody Litton, Cody Cheney and David Breakall. Including body cam video, and statements to Plaintiff and neighbors

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RETURN OF SERVICE

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on the following date: _____ by the following method (specified as required by Rule 2-126):

_____
Signature

_____
Printed Name

CC-004 (Rev. 07/2018)

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al.
Defendant

TO: Town of Keedysville, MD - Corporate Designee
Name
19 South Main Street
Address 1
Address 2
Keedysville, MD 21756
City, County, State, Zip

Issue Date: June 15th, 2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:

24 Summit Avenue
Address of Court or Other Location
Hagerstown, MD 21740
City, State, Zip

On June 21st,22nd & 23rd, 2022 at 9:00 ☒ a.m ☐ p.m.
Date Time

☒ To testify in the above case, and/or

☐ To produce the following documents, items, and information, not privileged:

☐ To produce, permit inspection and copying of the following documents or other tangible items:

Justin Holder requested issuance of this subpoena. Questions should be referred to:
Requested By

Justin Holder
Name
(240) 356 -2008
Phone

308 West Chapline Street
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: to testify about approval of plat 8292 for the Stonecrest subdivision in Keedysville, MD, approval of forest conservation and stormwater plans related to plat 8292, adequate piublic facilities ordinance and requirements and communications with parties and owners depicted on plat 8292.

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

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on the following date: by the following method (specified as required by Rule 2-126):

Signature

Printed Name

CC-004 (Rev. 07/2018)

CIRCUIT COURT FOR WASHINGTON COUNTY
24 Summit Avenue, Hagerstown, Maryland 21740
Phone: (301) 733-8660 Maryland Relay call: 711
Toll-free (in Maryland) 800-937-2062

Case. No. C-21-CV-20-000371

STATE OF MARYLAND
or Jeffrey Young
Plaintiff

vs.

Justin Holder et al.
Defendant

TO: Washington County MD - Corporate Designee
Name
100 West Washington Street
Address 1
Address 2
Hagerstown, MD 21740
City, County, State, Zip

Issue Date: June 15th, 2022
Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location:

24 Summit Avenue
Address of Court or Other Location
Hagerstown, MD 21740
City, State, Zip

On June 21st,22nd & 23rd, 2022 (Date) at 9:00 (Time) ☒ a.m ☐ p.m.

☒ To testify in the above case, and/or

☐ To produce the following documents, items, and information, not privileged:

☐ To produce, permit inspection and copying of the following documents or other tangible items:

Justin Holder
Requested By
requested issuance of this subpoena. Questions should be referred to:

Justin Holder
Name
(240) 356 -2008
Phone

308 West Chapline Street
Address
Sharpsburg, MD 21782
City, State, Zip

Special Message: to testify about approval of plat 8292 for the Stonecrest subdivision in Keedysville, MD, approval of forest conservation and stormwater plans related to plat 8292, adequate piublic facilities ordinance and requirements and communications with parties and owners depicted on plat 8292.

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on the following date: _____ by the following method (specified as required by Rule 2-126):

Signature

Printed Name

CC-004 (Rev. 07/2018)

Gmail Justin Holder <jholder2004@gmail.com>

Trial Subpoena - C-21-CV-20-000371 - MDNR - MDGS - Replace Previous

Justin Holder <jholder2004@gmail.com> Wed, Jun 15, 2022 at 10:28 AM
To: OAG - Civil Service <civil_service@oag.state.md.us>
Cc: David Pembroke <rdpembroke1954@gmail.com>, Brandy Peeples <brandy@peeples-law.com>, Robert Kline <klinelawgroupllc@gmail.com>
[redacted]

To whom it may concern:

Please see attached Trial Subpoena for Corporate Designee Expected to testify about the subject matter listed in the special message.

The MDNR Corporate Designee on January 24th, 2022 was George Forlifer.

The MDGS has never listed a Corporate Designee. Please see attached documents provided by DGS in Subpoena for specific testimony required at trial.

I have included all the parties in this email. Please ask the individual agencies to reach out to the group in order to facilitate a time and date for the designee to appear. This will mitigate the time the designee is to be in the trial.

Respectfully,

Justin Holder

9 attachments

- **Exhibit DGS4 - Dept of General Services Subpoena - SKM_454e21070909510.pdf** 656K
- **Exhibit DGS1 - Dept of General Services Subpoena - SKM_454e21070810080.pdf** 1099K
- **Exhibit DGS3 - Dept of General Services Subpoena - SKM_454e21070815111.pdf** 1753K
- **Exhibit DGS7 - Dept of General Services Subpoena - SKM_454e21070909531.pdf** 977K
- **Exhibit DGS5 - Dept of General Services Subpoena - SKM_454e21070909521.pdf** 5288K
- **Exhibit DGS6 - Dept of General Services Subpoena - SKM_454e21070909530.pdf** 4927K
- **Exhibit DGS2 - Dept of General Services Subpoena - SKM_454e21070815041.pdf** 1983K
- **c-21-cv-20-000371 - Trial Subpoena - MDGS.pdf** 865K
- **C-21-CV-20-000371 - Trial Subpoena - MDNR.pdf**

865K

Gmail Justin Holder <jholder2004@gmail.com>

Trial Subpoena - C-21-cv-20-000371

Justin Holder <jholder2004@gmail.com> Wed, Jun 15, 2022 at 10:43 AM
To: Ed Kuczynski <ed.kuczlaw@gmail.com>
Cc: David Pembroke <rdpembroke1954@gmail.com>, Brandy Peeples <brandy@peeples-law.com>, Robert Kline <klinelawgroupllc@gmail.com>
[redacted]

Mr. Kuczynski,

I attached a Trial Subpoena with the specific testimony I will require for the Town Corporate Designee.

I expect to call the Town on the 23rd, however Mr. Pembroke represented he may call the witness earlier.

Please let me know if I can be of further assistance.

Respectfully,

Justin Holder

C-21-CV-20-000371 - Trial Subpoena - ToK.pdf
1018K

Gmail Justin Holder <jholder2004@gmail.com>

C-21-CV-20-000371 - Trial Subpoena - Washington County Corporate Designee

Justin Holder <jholder2004@gmail.com> Wed, Jun 15, 2022 at 10:48 AM
To: "Downey, Kirk" <kdowney@washco-md.net>
Cc: David Pembroke <rdpembroke1954@gmail.com>, Brandy Peeples <brandy@peeples-law.com>, Robert Kline <klinelawgroupllc@gmail.com>
[redacted]

Mr. Downey,

Please see attached Trial Subpoena out for service.
I am aware that Garrett Culler and Todd Moser are scheduled as witnesses, and they may be able to testify about the specifics included in the special message area.

Mr. Joliet also mentioned Jill Baker. The County is free to bring whomever they decide to Trial and I will work with the County for a specific time and date. Mr. Pembroke has represented he also wished to question the witness and I have included him to schedule accordingly to minimize the time the witness will be in Court.

Perhaps I could call your office 30 minutes prior and you could sent the witness across the street?

Respectfully,

Justin Holder

C-21-CV-20-000371 - Trial Subpoena - WASHCO.pdf
1019K

JEFFREY YOUNG	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
JUSTIN HOLDER, et al.	*	WASHINGTON COUNTY
Defendants	*	Case No.: C-21-CV-20-000371

* * * * * * * * * * * * * *

MOTION TO QUASH SUBPOENAS ISSUED TO THE TOWN OF KEEDYSVILLE, MD AND KENNETH LORD

Non-party, the TOWN OF KEEDYSVILLE, MD (the "Town"), by, EDWARD L. KUCZYNSKI, KUCZYNSKI & KUCZYNSKI, P.A., its attorney, moves pursuant to Maryland Rule 2-510(e) to quash the trial subpoenas issued to the TOWN and KENNETH LORD by Defendant Justin Holder on June 8, 2022 and June 15, 2022 (SERVED ON June 16, 2022) and in support thereof, states the following:

1. The TOWN and KENNETH LORD are not parties to the instant litigation.

2. That KENNETH LORD is the Mayor of the Town.

3. That the Subpoenas attached as Exhibits "A", "B" and "C" were served at Keedysville Town Hall on the morning of June 16, 2022. That Exhibit "A" to "The Town of Keedysville, Maryland Corporate Designee" and Exhibit "B" to the "Town of Keedysville, Maryland Corporate Designee" were issued on June 8, 2022 and June 15, 2022 respectively. Exhibit "C" to "Kenneth Lord" is dated June 8, 2022 and was served at Keedysville Town Hall on June 16, 2022.

4. Mr. Holder sent Exhibit "B" to the undersigned via email on June 15, 2022. Please refer to Exhibit "D" which requests that the Town's corporate designee appear for trial in this matter, which is presently scheduled for June 21st, 22nd, and 23rd, on the 23rd of June, 2022.

5. That the subpoena for Kenneth Lord (Exhibit "C") is presumably requesting him to appear and testify in the above-captioned case as Mayor of the Town since same was served at Town Hall and Mr. Holder seems to speak to same in his email to your undersigned on June 15, 2022, 8:43 p.m. (Exhibit "E").

6. Presently, trial is scheduled to begin in five days from the date upon which the aforementioned Subpoenas were served..

7. Maryland Rule 2-510(d) generally requires a subpoena to be served at least five days before a trial or hearing and in the instance of the Town identify the specifics anticipated to be addressed by the "corporate designee." Theses Subpoenas fail in that regard.

8. Pursuant to Maryland Rule 1-203(a), in computing time periods that allow for seven or fewer days for compliance, intermediate Saturdays and Sundays are not included in any such period. Because Mr. Holder's subpoenas request that the Town's designee appear for trial within five days, any computation of time required would exclude weekends and only encompass weekdays. Accordingly, Mr. Holder is attempting to subpoena the Town to appear for trial with only two days' notice.[1] This fails to comport with Maryland Rule 2-510(d). Therefore, Mr. Holder's subpoenas are untimely and must be quashed.

9. In addition, subpoenas may be served in any manner permitted under Maryland Rule 2-121(a). *See* Md. Rule 2-510(d). Maryland Rule 2-121(a) does not permit litigants to serve subpoenas by email. Exhibit "D" was the Town's first notice of the Subpoena (Exhibit "B") and no prior notice regarding Exhibit "A" was received by the Town or your undersigned. No prior notice was provided to Kenneth Lord or your undersigned in connection with Exhibit "C".

10. That Exhibits "A" and "C" fail to identify the subject matter, or any topic or

[1] This number is computed excluding the date of trial itself.

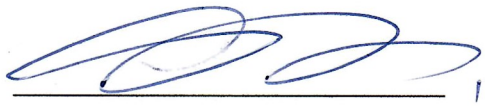
document, about which the Department's designee and/or Kenneth Lord is/are expected to testify.

11. That Exhibit "B" requests the Corporate Designee to testify regarding matters involving a subdivision plat (8292) approved and recorded in 2005 and matters related to forest conservation and stormwater management. The Mayor at that time, Lee Brandenburg, is deceased.

12. That Defendant Justin Holder has failed to comply with the Maryland Rules regarding the issuance and service of the aforementioned subpoenas.

WHEREFORE, based on the foregoing, the Town and Kenneth Lord request that this Court quash the aforementioned Subpoenas (Exhibits "A", "B" and "C").

Respectfully submitted,



Edward L. Kuczynski, #0825
CPF # 8205010177
Attorney for Town of Keedysville/Richard Bishop
55 North Jonathan Street
Hagerstown, Maryland 21740
Telephone: (301) 797-9120
Facsimile: (301) 797-4317
Email: Ed.kuczlaw@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2022 a copy of the foregoing **MOTION TO QUASH SUBPOENAS ISSUED TO THE TOWN OF KEEDYSVILLE, MD AND KENNETH LORD** was served via MDEC to:

Justin K. Holder, *Pro Se*

Roland David Pembroke, Esq.

Brandy Peeples, Esq.

Robert Kline, Esq.

BY: _____
Edward L. Kuczynski

Plead.Mot.Quash.Young.v.Holder.06.16.2022

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

OMNIBUS MEMORANDUM IN SUPPORT OF ORAL ARGUMENTS ON MOTION TO QUASH SUBPOENA OF DNR DGS WASHCO ToK LORD AND PICKETT

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Omnibus Memorandum in support of Oral Arguments on Motion to Quash Subpoena of DNR DGS WASHCO ToK LORD and PICKETT, and for reasons stated herein:

OVERVIEW FACTS AND ARGUMENT

The Defendant attended a Pre trial hearing on June 7th, 2022 where bifurcation of a trial and other matters of evidence were discussed. At the June 7th, 2022 Pre trial hearing the Honorable Andrew Wilkinson informed the Defendant Justin Holder he would not allow depositions to be read in. On June 8th, 2022 in accordance with Rule 2-510(d), Defendant made a good faith effort to serve 25 Trial Subpoenas for his witnesses, by delivering said 25 Subpoenas to the Washington County Sheriff. The docket reflects the Sheriff was able to serve some Subpoenas on June 9th, 2022 and June 10th, 2022. The Defendant was only returned 1 Subpoena as unserved and has contacted the witness by email, who informed Defendant they are on vacation. **Subpoenas served by June 10th, 2022 would allow 5 business days before trial.** The Defendant has no control over the Sheriff's schedule, or the witnesses desire to evade service of a Subpoena, and therefore **has made a good faith attempt to get the witnesses served 5 business days prior to Trial.**

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

The Maryland Department of General Services ("DGS"), Maryland Department of Natural Resources ("DNR"), Washington County, Maryland ("WASHCO"), Town of Keedysville, Maryland ("ToK"), Kenneth Lord, John Pickett and Kristen Pickett have all filed Motions to quash the Subpoena(s), alleging *inter alia* they are overburdensome. The Defendant has taken the deposition of the aforementioned witnesses in this litigation, and perhaps the Court would take exception and allow the depositions to be used in accordance with rule 2-419(D) and (E) or under the Hearsay exceptions in rule 5-803 and 5-804. It is not the Defendant's intent to burden, harass or annoy these witnesses. It is in the interest of justice to allow the Defendant to bring the evidence he spent tremendous resources discovering, to the Trial Court to be heard.[1] In accordance with the Court's June 13th, 2022 Order stating the Corporate Designee's were to be provided "subject matters of expected inquiry with specificity.", the Defendant immediately issued new Subpoena's to DGS, DNR, WASHCO and ToK, and sent them by email to the Attorney for the witness on the same day the Order was served to the Defendant, June 15th, 2020, see ***Exhibit 2 - Order - c21cv20371*** and ***Exhibit 3 - Gmail - Trial Subpoena - C-21-CV-20-000371 - MDNR - DGS - Washco - ToK - Good Faith*** attached hereto and incorporated herein by reference. The Defendant has faith the Honorable Court did not delay service of the June 13th, 2022 ORDER by 2 days to burden the witnesses or shorten time for Defendant so as to preclude him from evidence; in either case the Defendant made every effort to immediately notify the witnesses through council in good faith, and accordance with rule 2-510(D). Attorneys for the DNR, WASHCO and ToK have been served with process throughout the instant case, their clients were deposed in the instant case and with all their years of experience should have prepared their clients to testify at trial in the instant case.

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

[1] The Defendants, Plaintiff and some witnesses have worked together on a schedule, see ***Exhibit 1 - 371 - Estimated Trial Schedule*** attached hereto and incorporated herein by reference. The Plaintiff and Defendants have worked together on 22 pre filed exhibits we agreed to admit, without stipulations to the accuracy of said exhibits.

GROUNDS and AUTHORITIES

"**Unless impracticable, a party shall make a good faith effort to cause a trial or hearing subpoena to be served at least five days before the trial or hearing.** A person may not serve or attempt to serve a subpoena more than 60 days after its issuance. A violation of this provision shall constitute a violation of subsection (a)(3) of this Rule." [Emphasis Added]
Rule 2-510 - Subpoenas-Court Proceedings and Depositions, Md. R. Civ. P. Cir. Ct. 2-510

"(B) that the witness is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or" *Rule 2-419 - Deposition-Use, Md. R. Civ. P. Cir. Ct. 2-419*

"(D) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or" *Rule 2-419 - Deposition-Use, Md. R. Civ. P. Cir. Ct. 2-419*

"(E) upon motion and reasonable notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used." *Rule 2-419 - Deposition-Use, Md. R. Civ. P. Cir. Ct. 2-419*

"**(b) Hearsay Exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) Former Testimony. Testimony given as a witness in any action or proceeding or in a deposition taken in compliance with law in the course of any action or proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding, a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination."
Rule 5-804 - Hearsay Exceptions; Declarant Unavailable, Md. R. Evid. 5-804

"(20)Reputation Concerning Boundaries or General History.(A) Reputation in a community, prior to the controversy before the court, as to boundaries of, interests in, or customs affecting lands in the community." *Rule 5-803 - Hearsay Exceptions: Unavailability of Declarant Not Required, Md. R. Evid. 5-803*

CONCLUSION

WHEREFORE, the Defendant made a good faith effort to serve Subpoenas 5 business days prior to trial and issued Subpoenas on June 8th, 2022. The Defendant should not be prejudiced by the delay of the Sheriff or evasion of the witness.

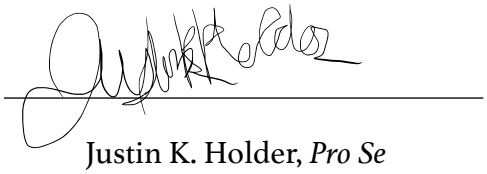
Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

IN THE ALTERNATIVE, and to the extent the Court would decide to reduce the burden on witnesses who have already provided evidence and testimony in deposition, the rules do allow for exceptions and reading of depositions.

Respectfully submitted,



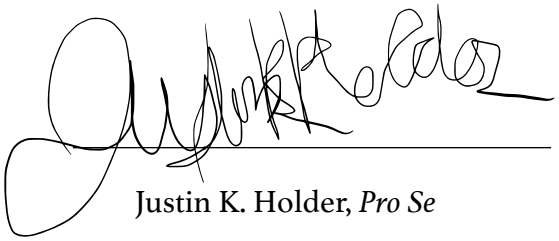
Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, 2022, a copy of the foregoing Omnibus Memorandum in support of Oral Arguments on Motion to Quash Subpoena of DNR DGS WASHCO ToK LORD and PICKETT was served via the MDEC system to :

Christopher Markham, Esq.,
John C. Fredericton, Esq.,
Talley Kovacs, Esq.,
Edward Kuczynski, Esq.,
Roland David Pembroke, Esq.,
Brandy Peeples, Esq.,
Robert Kline, Esq.,
Peter Rogers, Esq.,
Julia G. Solomon, Esq.,

Justin Holder, *Pro Se*



Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

	*	
	*	
JEFFREY YOUNG		
	*	
Plaintiff		
v.	*	
		CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

Motion for New Trial Pursuant to Maryland Rule 2-533

COMES NOW Defendant, Uncle Eddies Brokedown Palace, LLC by and through it attorneys in accordance with Maryland Rule 2-533 hereby files this Motion for New Trial and states as follows:

1. This Court entered an Opinion in connection with the above captioned matter on September 7, 2022. Maryland Rule 2-533 permits the filing of a Motion for New Trial provided the motion is filed within ten (10) days from the date of Order/Opinion.

2. It is well established that the trial court judge has in his/her discretion the power to grant a Motion for New Trial. *Spaw v. City of Annapolis,*452 Md. 314 (2017).

3. This Motion should be granted to new evidence not discovered until after the close of evidence; namely the failure of the Stonecrest subdivision to adhere to and comply with the subdivision ordinance(s) of the Town of Keedysville.

4. More specifically, the Deed to Stonecrest Development LLC is dated October 20, 2006, and recorded in land records at Liber 3137, folio 0662.

5. The Stonecrest subdivision would be subject generally under MD, Land Use Code Anno. Sections 5-301 and 5-302. More specifically, should the owner or agent of the owner of the land within the subdivision can be "enjoined from the transfer, sale or agreement in any circuit court". MD, Land Use Code Anno. Section 5-301(c) (1).

6. Furthermore, at the time of the transfer of the parcel of land to Stonecrest Development LLC, the Town of Keedysville, MD had in place subdivision control and ordinances as set forth in Article II of the Town's Ordinances.

More specifically, Article II, Section 2.01 (Subdivision Control) provides:

It shall be unlawful for the owner of any land that lies within the subdivision control jurisdiction of Keedysville to subdivide any lot, tract, or parcel of land unless and until the following steps are completed.

a.) A plat of such subdivision is made in accordance with the regulations set forth herein;

b.) Approval is secured from the Planning Commission as provided herein; and

1. No land in a subdivision created after the adoption of this ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon until the Final Plat or such subdivision has been recorded in accordance with these regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed . . .

7. In this instance, it was not until after the close of the evidence that Defendant discovered the failure of the Stonecrest Development LLC to comply with the Town of Keedysville ordinance regarding the subject subdivision.

8. Application of the Town of Keedysville's Ordinance in coordination with Md., Land Use Code, would therefore lead to the inevitable conclusion that Stonecrest, after its purchase in 2006, by failing to comply with the subdivision ordinances of the Town of Keedysville, would result in voiding any transfer of property in the subdivision as the

ordinance clearly and unambiguously states that no land shall be transferred or sold.

Wherefore, Defendant, Uncle Eddies Brokedown Palace, LLC, requests that this Court grant this motion for new trial and grant such and further relief as it deems appropriate.

September 16, 2022
Date

/s/ Robert L. Kline, III
Robert L Kline III, AIS D 8712010325
73 N Main Street
Port Deposit, MD 21904
240-347-4944
klinelawgroupllc@gmail.com

CERTIFICATE OF COMPLIANCE

I hereby certify that the attached submission does not contain any restricted information, or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to Rule 20-201(f)(2).

September 16, 2022
Date

/s/ Robert L. Kline, III
Robert L Kline III, ID 8712010325
73 N Main Street
Port Deposit, MD 21904
240-347-4944
klinelawgroupllc@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of September 2022, a copy of the foregoing Notice of Discovery, via MDEC efiling to all appropriate parties.

September 16, 2022
Date

/s/ Robert L. Kline, III
Robert L Kline III

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG **Plaintiff** **v.** **JUSTIN HOLDER, et al.** **Defendants**	**Case No.: C-21-CV-20-000371**

PLAINTIFF JEFFREY YOUNG'S OPPOSITION TO THE MOTION FOR NEW TRIAL FILED BY DEFENDANT UNCLE EDDIE'S BROKEDOWN PALACE, LLC

Pursuant to Rule 2-533, Plaintiff Jeffrey Young opposes the Motion for New Trial (the "Motion") filed by Defendant Uncle Eddie's Brokedown Palace, LLC ("Defendant"), stating as follows:

1. Plaintiff Jeffrey Young owns property at 13 Dogstreet Road that is comprised of 3 parcels of property (the "Young Property"). Opinion at 3.

2. Parcel 3 of the Young Property adjoins lots 10-14 of the Stonecrest Court subdivision. This is reflected on the Plat for Stonecrest. Opinion at 5-6,

3. Defendant Justin Holder claims that he acquired a strip of land between the Stonecrest Development and the Young Property, which generally overlaps with parcel 3 of the Young Property. Opinion at 5 (defining this strip of land as the "Gap"). Mr. Holder claims that he acquired this strip from two of the predecessor owners of the Stonecrest development.

4. After trial, the Court found that Jeffrey Young was the rightful owner of parcel 3 and that Justin Holder's claim to the Gap property was inconsistent therewith. See Opinion. Accordingly, the Court nullified the deeds whereby Mr. Holder purported to acquire an ownership interest in the Gap. See Order dated 9-6-22.

5. The Court based its Opinion on a number of different legal theories. In part, the Court held that the predecessors owners of Stonecrest could not subdivide the property further and sell those parcels to Mr. Holder because the Keedysville Planning Commission never approved that subdivision:

> As noted in Stitzel v. SI. of Md, 195 Md. App. 443, 454 (2010) cert. denied, 418 Md. 192 (2011), where an ordinance provides that a transaction is unenforceable if it violates the ordinance, then the transaction is void. Where an ordinance does not call for unenforceability, the court should balance the interests of the parties in maintaining the transaction versus the public policy interests in voiding the transaction. Here, the Keedysville Subdivision Ordinance clearly provides that any attempted transfer of an interest without proper subdivision is invalid. However, even if the court were to balance the interest of the parties, the court believes that the public policy interest of the Town of Keedysville in enforcing its Ordinance outweighs the interests of Mr. Holder in attempting to claim ownership of a Gap that this court has determined does not exist. With respect to Mr. Nagel's opinion that l5 square feet north of Parcel 3 may have escaped the subdivision process, the court is hesitant to attempt to piecemeal out which portions of the 2020 and 2021 deeds are valid or invalid. Mr. Holder claims he owns 8,296 square feet or 0.19 acres by deed. He does not. The deeds are defective, invalid, and void in total.

Opinion at 18-19 & n.47.

6. ”Defendant Uncle Eddie’s Brokedown Palace, LLC argues that the Court should vacate the judgment for Plaintiff in this case, which is based upon substantial evidence proffered by the parties over a multiple-day trial, and grant a new trial because of newly discovered evidence. Specifically, it claims that it found evidence that the subdivision of the Stonecrest development into separate lots was also afflicted with the same defect of the Holder deeds, i.e. it was never approved by the Keedysville Planning Commission: “In this instance, it was not until after close of evidence that Defendant Discovered the failure of the Stonecrest Development LLC to comply with the Town of Keedysville ordinance regarding the subject subdivision.” Mot. ¶7.

7. Defendant further suggests that if this evidence was presented to the Court, it would have led the Court to a different conclusion:

> Application of the Town of Keedysville's Ordinance in coordination with Md., Land Use Code, would therefore lead to the inevitable conclusion that Stonecrest, after its purchase in 2006, by failing to comply with the subdivision ordinances of the Town of Keedysville, would result in voiding any transfer of property in the subdivision as the ordinance clearly and unambiguously states that no land shall be transferred or sold.

Mot. ¶8.

8. Defendant's argument has absolutely no merit whatsoever. In order to grant a new trial on the grounds of newly discovered evidence, a trial court must find that (1) the evidence was discovered since the trial; (2) there was diligence in attempting to discover the evidence on the part of the movant; (3) the evidence relied on is not cumulative or impeaching; (4) it is material to the issues involved; and (5) on a new trial, the newly discovered evidence would probably produce a different result. Mkt. Tavern, Inc. v. Bowen, 92 Md. App. 622, 649, 610 A.2d 295, 309 (1992). The granting or denial of a motion for a new trial is a matter within the discretion of the trial court. Mkt. Tavern, Inc. v. Bowen, 92 Md. App. 622, 650, 610 A.2d 295, 309 (1992).

9. Here, assuming for the sake of argument that Defendant did not discover this evidence until after the trial,[1] Defendant has presented no evidence that it made diligent efforts to find this evidence before trial. In order to meet this burden, Defendant should have presented an affidavit explaining the pretrial efforts it made to determine whether the planning commission had approved Stonecrest's plat, how those investigative/discovery efforts were obstructed by something outside of its control, and what it did after the fact to uncover that evidence. Md.

[1] Notably, Defendant did not even present evidence that the Keedysville Planning Commission failed to approve the plat. Thus, Defendant's entire argument appears to be built on a piece of evidence, i.e. the planning commission's failure to approve a plat, that is not even in the record.

Rule 2-311(d) ("A motion or a response to a motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based") (emphasis added). Defendant, however, failed to provide this type of detail under oath. Without any evidence of diligent discovery efforts, Defendant's argument is fatally flawed.

10. Defendant's failure to address the diligence of its pretrial investigation by affidavit (or other admissible evidence) is not surprising. The approval of a plat by the planning commission is a matter of public record and should be easily obtainable. Since Defendant failed to explain the efforts it made to acquire this information before trial, Plaintiff is entitled to the undeniable inference that Defendant failed to make any efforts to find this evidence until after trial. By failing to even investigate this issue until after trial, Defendant waived the right to rely upon it as grounds for a new trial.

11. Even if the Court were to assume the truth of Defendant's argument, i.e. that the planning commission failed to approve the Stonecrest Plat, and that Defendant was unable to proffer this evidence at trial despite a diligent investigation, Defendant has made absolutely no effort to establish that this piece of evidence is material and would have probably led the Court to make a different finding. Instead, Defendant argues only in a conclusory fashion that since the Planning Commission never approved of the Stonecrest plat, "it would result in voiding any transfer of property in the subdivision." Mot. ¶8. Defendant fails to explain how the voiding of the Stonecrest Deeds would be material to its defense.

12. In fact, the voiding of the Stonecrest transfers would not help Defendant's case at all. Uncle Eddie's Brokedown Palace does not even claim an interest in the Gap. Opinion at 13 (noting that Justin Holder—and not Uncle Eddie's Brokedown Palace—is the only person to challenge Plaintiff's ownership of Parcel 3). Accordingly, the voiding of the Stonecrest lot

transfers would not give Uncle Eddie's Brokedown Place, LLC a superior claim to the Gap than Plaintiff.

13. Notably, Defendant Justin Holder is the only person—other than Mr. Young—who has ever claimed an interest in the Gap; thus he is the only party to this case who has standing to raise any defects in the Stonecrest plat in support of a claim to the gap. Since Mr. Holder failed to raise this issue, the issue was waived.

14. Mr. Holder clearly failed to raise the issue in his own motion for new trial because it is built on fallacious legal assumption. Contrary to Defendant's statement otherwise, The Court did not find that all transfers made in violation of the Keedysville Subdivision Ordinance were void. Rather, it found that in some instances, a court should "balance the interests of the parties in maintaining the transaction versus the public policy interests in voiding the transaction" when determining whether a failure to obtain planning commission approval is fatal to the transaction. Mot. at n.11.

15. Here, public policy should abhor a nullification of the Stonecrest lot transfers to homeowners in favor of Mr. Holder's acquisition of the Gap. At this point, the Stonecrest homes have been occupied for many years by dozens of people, many of whom have likely invested their life's savings into what is probably their largest asset. Even if the transactions were technically void, Defendant has presented absolutely no explanation as to why this nullification would not be rectified equitably in favor of the Stonecrest homeowners' equitable title. Although the Development Coordinator could take action to "discontinue the transfer", it has discretion to take lesser action also. Town of Keedysville Subdivision Regulations, Art. II, § 2.02 (noting that Development Coordinator "shall notify in writing the person responsible of such violation and take such action as may be necessary to prevent the violation of these

regulations"). Obviously, one of the lesser remedial actions could be to require the property owner to go through the approval process. Defendant presented no evidence at trial that the Stonecrest Development was built in material violation of the Planning Commission regulations; that the development would fail to obtain approval if it applied; and that Justin Holder would somehow obtain rights in the Stonecrest lots superior to the current owners through the Planning Commission process.

16. Clearly, the equities favor the Stonecrest owners over Defendant. The Stonecrest lot owners have relied upon their acquisitions to invest hundreds of thousands of dollars into their houses based upon the Stonecrest Plat; while Justin Holder paid $1,000 for a sliver of this land despite having at least constructive knowledge of the Stonecrest homeowners' contradictory interest Indeed, Uncle Eddie's Brokedown Place, LLC does not even have a direct interest in any of these properties; instead, it is only Uncle Eddie's Brokedown Palace, LLC's co-defendant (Justin Holder) who even claims an interest in that property. However, neither one of these Defendants has provided a rational explanation as to the importance of their claims to their property interests. Even without the Gap, Uncle Eddie's Brokedown Palace, LLC still has access to its property through Antietam Drive. Furthermore, Mr. Holder has never provided a consistent explanation as to why this case is even important to him. For example, in the Holder v. Scott Morral case, Mr. Holder argued he was enforcing his interest in "The Gap" so he could build a walking trail for kids to avoid traffic on Dog Street Road. The arguments made by Defendant have not been consistent or make any type of sense. Accordingly, the evidence presented by Defendant does not establish that Defendants have superior equities to the Gap over the Stonecrest Homeowners—let alone Plaintiff Jeffrey Young.

WHEREFORE, the Court should deny Defendant's motion for a new trial, and grant such further relief for Plaintiff as justice requires.

Respectfully submitted,

/s/ Victor E. Cretella
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Attorney for Plaintiff Jeffrey Young

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document to Justin Holder, 308 West Chapline Street, Sharpsburg, MD 21782, Brandy Peeples, Esq., Robert Kline, Esq., 47 E. All Saints St., Frederick, MD 21701; Robert Kline, 73 Main Street, Port Deposit, MD 21904, by MDEC on October 3, 2022.

/s/ Victor E. Cretella

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
	*	
JUSTIN HOLDER, *et* al.;	*	
	*	
Defendant(s)	*	

* *

REPLY TO PLAINTIFF YOUNG's OPPOSITION TO DEFENDANT UNCLE EDDIES BROKEDOWN PALACE' MOTION FOR NEW TRIAL

COMES NOW Defendant, Justin Kyle Holder, in proper person, and files this Reply to Plaintiff Young's Opposition to Defendant Uncle Eddies brokedown palace LLCs' Motion for New Trial, and in support states:

REPLY

Plaintiff Asserts at his Opp. p. 5 ¶14 "Mr. Holder clearly failed to raise the issue in his own motion for new trial because it is built on fallacious legal assumption.... Rather, it found that in some instances, a court should 'balance the interests of the parties in maintaining the transaction versus the public policy interests in voiding the transaction'..." Defendant did not raise the issue because it is inapplicable to his deeds from Jenifer Butts which were separated in 1996, 6 years prior to the Subdivision Ordinance. This is clear from the Courts September 7th, 2022 Opinion and Order p. 5 finding that: "Subdivision approval was granted in 2005 with some initial construction beginning thereafter. Construction of houses began in earnest around 2016...;" thus Stonecrest was in "actual" possession of part of the tract; and the facts show Plaintiff was in "constructive" possession under "color of title" which "...as against the owner in occupation adverse possession under color of title is of no avail as a foundation of title. This is true even if the owner go into occupation of a part of his land after the disseisin has commenced. The running of the statute will thereby be

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stopped as to so much of the land as was constructively possessed and will be restricted to that in actual possession.' See also *Hunnicutt v. Peyton,* 102 U.S. 333, 26 L.Ed. 113." [Emphasis Added] *Goen v. Sansbury*, 149 A. 2d 17, 255 - Md (1959). Further the Town has not made the fusty demand to "enjoin the sale" for some 22 years afterwards and is barred by *laches*.[1]

In the Alternative[2] if the "remaining lands" or "gap" was transferred from Butts to Stonecrest, then the legal conclusions made by the Court, as to title and adverse possession were made improperly. In either case the Town, nor any owner from Stonecrest showed up to avail themselves of any claimed rights; or request relief in equity, because they would have not jurisdiction to do so. Stonecrest owners and the Town have **adequate remedy at law** under the warranty covenant of their deed, and Dan Ryan homes can legally recover *mesne* profits from the rightful owner. Plaintiff's allegations "the Stonecrest homes have been occupied for many years by dozens of people, many of whom have likely invested their life's savings into what is probably their largest asset." Opp. p. 5. Aforementioned transactions of "their largest asset" were made with equal access to the Public Records (land records, planning records, Ordinances and laws) to be had by the competent attorneys, engineers and title professionals upon whom they relied and are most likely insured. This claim of equity is a red herring, and **barred jurisdictionally by adequate remedy at law.**

Plaintiff further asserts that "Here, public policy should abhor a nullification of the Stonecrest lot transfers to homeowners in favor of Mr. Holder's acquisition of the Gap." Opp. p. 5. and "Defendant presented no evidence at trial that the Stonecrest Development was built in material violation of the Planning Commission regulations;" Opp. P. 6. The record reflects clear factual evidence to the contrary. Matt Hull as Designee for the Town of Keedysville testified the The Town was to provide adequate public facilities to surrounding

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[1] In the Alternative *Estoppel* by "affirmative misconduct" (similar to "Termination by Malfeasance")

[2] Since the Court never conclusively found whether Plaintiff Young adversely possessed or had title to parcel 3, only discussing alternative theories without conclusively establish a title line and area of "actual" possession, this "fact" is apparently not necessary for the judgement.

property (roads and sewers that do not flow into a Public Waterway); and that the State requires a 10 foot separation distance of water and sewer which is not available per plat 8292. The Town of Keedysville subdivision Ordinance also prohibits the sale of lots when adequate facilities required by the developer are not completed. Further "Mr. Holder argued he was enforcing his interest in 'The Gap' so he could build a walking trail for kids to avoid traffic on Dog Street Road." Opp. p. 6 seems to have a clear public benefit in which the owners of the Stonecrest lots would only be required to remove illegal fencing in storm water easements to accomplish. Plaintiff testified he enjoyed walking on parcel 3 and did not mind the children there, unfortunately he was not able to maintain it after a few years. There should exist ample factual evidence in the record to conduct the balancing test:

> "In *Springlake,* we did not spell out the appellate court's role in reviewing a trial court's decision to declare a contract void as contrary to public policy. After we noted in that case that there was "no clear expression of intent on the part of the Board or the legislative committee" with respect to "the validity or enforceability of agreements made in violation of the regulation," 81 Md.App. at 704, 569 A.2d 715, we stated: "We are left, then, to consider the other appropriate factors." *Id.* In other words, we took it upon ourselves to conduct the balancing process *de novo."*
>
> *Stitzel v. SI. of Md,* 195 Md. App. 443, 454 (2010).

The Defendant has no reason to move the Court for a new trial, the record on its own compels the Court to void all the Stonecrest deeds, and dismiss the entire complaint for the Plaintiff's clear failure to join the appropriate parties. "[Plaintiff]'s failure to address the diligence of its pretrial investigation by affidavit (or other admissible evidence) is not surprising. The approval of a plat by the planning commission is a matter of public record and should be easily obtainable." Opp. p. 4. And p. 4-5 generally as equally applicable to Plaintiff's so called "interrogation of the universe" at Complaint §20. Plaintiff's Complaint was defective from the outset and failed to state a claim upon which relief can be granted or join the necessary parties. The Court's introduction of the Subdivision Ordinance and so

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called equity (Comparative Hardship presumable) is but one more nail in the *de novo* coffin.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2022, a copy of the foregoing Reply to Plaintiff Young's Opposition to Defendant Uncle Eddies brokedown palace LLC' Motion for New Trial was served via the MDEC system to:

PARTIES:

R. David Pembroke, Esq., Attorney for Plaintiff Jeffrey Young
Brandy Peeples, Esq., Attorney for Defendant Deena Holder
Robert Kline, Esq., Attorney for Defendant Uncle Eddies brokedown palace LLC
Justin Holder, *Pro Se* Defendant;

INTERESTED PARTIES:

Edward Kuczyński, Esq., Attorney for Town of Keedysville, Maryland,
Kevin Karpinski, Esq., Attorney for Washington County, Maryland,
Emily Vainieri, Esq., Attorney For Maryland Department of Natural Resources,
Peter Rogers, Esq., Attorney for Scott and Christine Morral,
Lesley Powell, Esq., Attorney for Olde Town Title,
Brian Maul., Esq., Attorney for Susan Selby,
Timothy Maloney, Esq., Attorney for Benjamin Estes.

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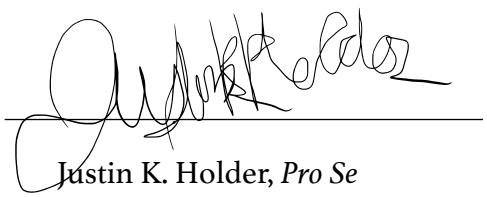

Justin K. Holder, *Pro Se*

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

	*	
	*	
JEFFREY YOUNG		
	*	
Plaintiff		
v.	*	
		CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

Notice of Appeal

SIR/MADAM CLERK:

Please be advised that Defendant, Uncle Eddies Brokedown Palace, LLC, notes an appeal to the Court of Special Appeals in the above-captioned matter.

/s/Robert L. Kline, III
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CERTIFICATE OF SERVICE

I hereby swear that a copy of the aforesaid Notice of Appeal has been electronically e-filed through MDEC with the Clerk of Circuit Court for Washington County and all appropriate parties involved, this 21st day of October 2022.

/s/ Robert L. Kline, III
Robert L. Kline, III